

**PRESIDENTIAL ELECTIONS AND
INDEPENDENCE REFERENDUMS
IN
THE BALTIC STATES, THE SOVIET UNION
AND SUCCESSOR STATES**

**A Compendium of Reports
1991 - 1992**

**Compiled by the Staff of the
Commission on Security and Cooperation in Europe
Washington, D.C.**

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FOREWORD

We are very pleased to present this compilation of reports by the Helsinki Commission on presidential elections and independence referendums in the Baltic States, the Soviet Union and successor states in 1991 and 1992. This volume is not merely a continuation of the previously issued *Elections in the Baltic States and the Soviet Republics: A Compendium of Reports on Parliamentary Elections in 1990*. Rather, the title and subject matter of the present compendium reflect a chain of events that resulted in the disintegration of the largest state on earth. For, as the introduction makes clear, the 1990 Supreme Soviet elections led one year later to balloting on presidential elections and independence referendums in the Baltic States and Soviet republics that effectively assured the end of the USSR as a unified state.

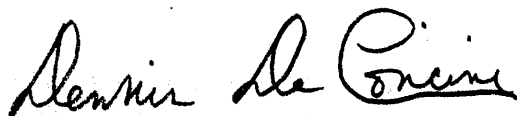
The Helsinki Commission has closely tracked these developments from the very beginning. Today, it seems peculiar to recall that there was a time in 1989-90 when the highest-ranking Soviet officials specifically objected to the Commission's observing of voting in the Baltic States and Soviet republics unless the invitation came directly from the USSR Supreme Soviet in Moscow. By 1991, however, Commission staffers traveled freely to the USSR, usually on the basis of invitations from the Supreme Soviets of the Baltic States or Soviet republics. More than once, they obtained visas with unusual speed, as the republic leaderships, flexing their muscles vis-a-vis Moscow, cabled their invitations through the Ministry of Foreign Affairs directly to the Soviet Embassy in Washington, so as to ensure a Commission presence in their respective capitals. True, not all republics were enthusiastic about foreign observation of their balloting. In general, however, the republics' desire to run their own foreign policy and to establish contact with the U.S. Congress outweighed any misgivings they may have entertained about allowing the Helsinki Commission to observe their voting practices.

In Central Asia, the Commission hoped not only to monitor elections and referendums, but also to visit a relatively unknown region where the Commission had never before studied the human rights situation on the spot. Such first-hand investigation was necessary, as it became increasingly clear in the second half of 1991 that all the Soviet republics would seek to join the Conference on Security and Cooperation in Europe. Today, Congressional delegations and election monitoring have enabled the Commission to enhance its considerable expertise on the region.

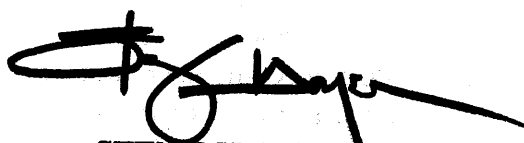
In general, the presidential elections and independence referendums in 1991 and so far in 1992 have proceeded peacefully. That has been possible because of the weakness of the republics' common foe: the Soviet "center," led by Mikhail Gorbachev. The Soviet President believed to the end that the republic leaders wanted to remain within some sort of federation, and he never tried to prevent the USSR's disintegration through the massive use of force. In addition, there was little or no domestic opposition in the republics to independence. Non-communist forces often accused the Communist Party elites of wanting

to retain the Union, but all republic leaders always wanted more control over their affairs, and they gradually coopted the independence issue. After the failure of the August 1991 coup, even the most reluctantly independent leaders gladly took credit for leading their republics out of the Soviet Union. Finally, in those former republics where democratization has made the fewest inroads, especially in Central Asia, the absence of violence was also promoted by the successful efforts of the "ex-communist" ruling elites to remain in power under new names, while loudly proclaiming their republics "under new management."

The official breakup of the Soviet Union has now removed from the political agenda of the newly independent states the question of formal independence and international recognition, as well as a common enemy. Real questions of power sharing have now come to the fore, which threatens the position of entrenched elites. And in an atmosphere of overheated national passions, demands for self-determination from various peoples in several regions and former republics, as well as disputes about voting rights, also complicate elections that may take place from now on. The resulting instability raises doubts about prospects that future elections in the former Soviet Union will be as peaceful as those analyzed in this volume.



DENNIS DeCONCINI
CO-CHAIRMAN



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INTRODUCTION

1991 was the year of independence referendums and presidential elections in the republics of the Soviet Union. Not coincidentally, it was also the year the Soviet Union fell apart. Its Communist Party elite and institutions proved unable to continue ruling through intimidation or to overcome the powerful sweep of nationalism, stoked by the personal ambition of politicians and mediated through electoral politics. With varying degrees of satisfaction and eagerness, the Baltic States and the constituent republics struck out on their own.

To be sure, the republics' right of secession had been guaranteed by the Soviet Constitution; but its authors never expected any republics to make use of Article 72 and they certainly never anticipated a mass departure of republics that would signal the demise of the Union itself. In the end, virtually nobody paid any attention to that constitution or any other document of Soviet provenance, including the law on secession. The constituent republics of the USSR -- except for Russia and Kazakhstan -- left "the land of the Soviets" waving election tallies that loudly proclaimed YES to republic referendum questions along the lines of: "Do you agree that ----- should be an independent, sovereign state?"

The process of dissolving the USSR through the ballot had begun the year before, with the elections in 1990 to republic parliaments, or Supreme Soviets.* In the Baltic States and in many former Soviet republics, these elections weakened the Communist Party's hold on power and brought to the fore nationalist movements determined at the very least to gain more autonomy from Moscow and, in some cases, full independence. President Gorbachev, alarmed at the strength of centrifugal trends in the country (which his own experiments in democratization had fostered), launched a campaign in the second half of 1990 to sew up the USSR's gaping fissures with a new treaty that would codify the Union's continued existence in a looser, more decentralized form. But his efforts to gain agreement to a Union Treaty failed: the Baltic States and the most pro-independence republics were determined to frustrate Gorbachev's plans, and they seized on his espousal of democracy as the means.

Facing resistance to his Union Treaty, Gorbachev scheduled for March 1991 a country-wide referendum on maintaining the USSR as a federated state. To forestall anticipated pressure from a Soviet president pointing to widespread popular support for the Union, Lithuania, Latvia and Estonia in February and March 1991 held their own referendums on independence. With the Balts leading the way, Armenia, Moldova and Georgia also refused to hold Gorbachev's referendum, and other republics altered or added to the wording of Gorbachev's referendum question to advance their own interests. Though by no means all republic leaderships shared the Balts' goals, the logic of "follow the leader" and escalating demands ultimately created an irresistible momentum that swept

* See CSCE Commission report *Elections in the Baltic States and Soviet Republics: A Compendium of Reports on Parliamentary Elections Held in 1990* (Washington, D.C.), December 1990.

along even those most reluctant to further weaken the center. After the March referendum, virtually none of the leaderships of the USSR's republics was willing to sign Gorbachev's Union Treaty. Together, they pressed for major amendments that essentially transferred most power to the republics and left in question even those prerogatives the center retained.

The disintegration of the USSR was thus already well advanced in August 1991, when a group of plotters resolved, among other things, to prevent the signing of a Union Treaty that, in their view, would formalize the breakup of the country and threatened continued chaos. Their dramatic failure ushered in the denouement of a long process and launched a briefer rush of events that, by year's end, led to the demise of the USSR. Under President Boris Yeltsin, Russia began seizing the Union's assets and prerogatives, impelling other republics to stake their own claims. Even the most conservative republic leaderships in Central Asia now realized that they had to exit the Union with some dignity and public approbation, as dictated by prevailing democratic sentiment; hence, the referendums on independence in Turkmenistan and Uzbekistan, even though the entity from which they proclaimed their liberation had long since released its grip.

The December 1, 1991 independence referendum in Ukraine, by contrast, was genuinely important, since the pro-independence vote tallies sealed the Soviet Union's fate; afterwards, there was no possibility of salvaging a federated, or even confederated, USSR. Outside of Ukraine, however, there was little real significance after August 1991 to the republics' independence referendums, all of which passed with predictably gigantic pluralities. More important were the presidential elections, which often accompanied the balloting on independence, and not merely to save the expense of another exercise in voting, but because the two were inextricably intertwined. An important by-product of the center-republic struggle between mid-1989 and mid-1991 was the emergence of a presidential system in the republics. Gorbachev originally had himself elected USSR president by the all-Union legislature he created, the Congress of People's Deputies, in 1989. In doing so, he was apparently seeking a power base outside the Communist Party and perhaps hoped to teach by example the notion that democratic and legitimate government must be elected, not conspiratorial. But Gorbachev never stood for election in a popular contest, undermining his own claims to legitimacy and sincerity.

His rivals, first and foremost Boris Yeltsin, had no such qualms. Sensing the growing tide of nationalism in their republics, Yeltsin and other republic leaders saw the opportunity to acquire real legitimacy while subverting Gorbachev's claims to authority. At the same time, they could improve their own bargaining position vis-a-vis the Soviet president and their counterparts in other republics. The first republic head to follow Gorbachev's example was Saparmurad Niyazov; in December 1990, he became Turkmenistan's first elected president, essentially by acclamation of that republic's Supreme Soviet. But thanks to Boris Yeltsin, by the time of the next presidential election, both nationalism and notions of popular sovereignty had made great inroads in Soviet political consciousness and practice. Yeltsin engineered that change by convincing Russia's Supreme Soviet in January 1991 to add to Gorbachev's question on the upcoming March 17

referendum another one canvassing support for creating the post of a president in Russia, elected by universal suffrage. Henceforth, politicians with serious pretensions to legitimacy could no longer avoid general elections, and in some cases, they had little reason to fear them. Georgia's Zviad Gamsakhurdia, still riding high in the spring of 1991, became Georgia's first elected president in May with a reported 87 percent of the vote. In Russia, Boris Yeltsin finally capped his struggle for power and legitimacy with a June 1991 victory in Russia's first ever presidential election.

Other republic leaders also scheduled presidential elections, in contests that reflected the level of democratization and the balance of power between the communist *nomenklatura* and the opposition in the republic. Armenia's Levon Ter-Petrosyan handily bested his rivals in October 1991. Ukraine's Leonid Kravchuk defeated several longtime anti-communist dissidents to win that republic's presidency in December. Rather surprisingly, a contested election also took place in Tajikistan, where popular protests against the support by the republic's Communist Party for the August coup plotters in Moscow prevented the authorities from doing business as usual. Opposition leader Davlat Khudonazarov won 35 percent of the vote (in official tallies), though he failed to unseat Rakhman Nabiev.

In Moldova, however, Mircea Snegur ran uncontested in December. Much the same happened in Central Asia, where entrenched, if renamed, Communist Party elites still ruled; the logic of "follow-the leader" mandated elections, but the authorities took measures to ensure favorable outcomes. The simplest method -- barring rivals -- was applied in Kazakhstan, where Nursultan Nazarbaev ran without opposition in December. So did Kyrgyzstan's Askar Akaev in October 1991, though he was reportedly upset that nobody would enter the race against him. By contrast, Uzbekistan's Islam Karimov permitted one rival to run in December's election, but carefully barred from the race the leader of the republic's most influential opposition movement.

By 1992, therefore, the USSR was no more and the Commonwealth of Independent States (CIS) had arisen in its place, its eleven constituent members boasting newly minted presidential systems. [The Baltic States did not join the CIS; nor did Georgia, which, by that time, was already in the throes of Zviad Gamsakhurdia's forcible ouster.] Now it was Russia's turn to experience the disintegrative pressures it had previously exerted on the Soviet "center." Chechen-Ingushetia, an Autonomous Republic, had already declared its independence in December 1991, and now another Autonomous Republic, Tatarstan, held a referendum in March 1992 on an ill-defined sovereignty that many Russians in Tatarstan and elsewhere understood as secession. The referendum took place despite warnings and pressure from Moscow, and Tatarstan (and Chechnya) subsequently refused to sign the March 1992 Federation Treaty defining relations between Russia's autonomous formations and the Federation. As of this writing, negotiations between Tatarstan and Russia are still continuing.

The collapse of the Soviet Union and the Communist Party brought the long-delayed tide of democratic elections to Azerbaijan, where Soviet troops had kept the Communist Party in power long after it had fallen in other republics. Popular Front chairman Abulfaz Elchibey's victory in the June 1992 presidential contest marked the end of communist rule in Azerbaijan, a first for a former republic with a mostly Moslem population. Elchibey's precedent might yet have important consequences in Central Asia, where "ex-communists" seem well-ensconced: Turkmenistan's Niyazov won an uncontested presidential election in June 1992 and opposition activists are suffering repression in Kazakhstan and especially Uzbekistan. But new parliamentary elections are slated for December in Tajikistan, where the old communist elite has been forced to share power with a coalition of Islamic and democratic forces. The examples of Azerbaijan and Tajikistan could prove contagious in those three Central Asian countries, especially if economic conditions continue to deteriorate and living standards decline further.

Parliamentary and presidential elections are also scheduled this fall in Estonia and Lithuania. No presidential elections have taken place up to now in the Baltic States, in contrast to the situation in the former Soviet republics. The upcoming contests will reveal whether voters wish to retain and elevate to presidential status Latvia's Anatoly Gorbunovs, Estonia's Arnold Ruutel [both former Communist Party functionaries] and Vytautas Landsbergis [the staunchly anti-communist leader of Lithuania's Popular Front], who helped guide their countries through a difficult transition period, while holding the official position of chairman of the parliament.

The upcoming Baltic parliamentary elections, the first in these newly free countries, are no longer a means of ending communist rule and weakening Moscow's hold, as they were in 1990. Nevertheless, they have more purposes, and possible consequences, than a mere measure of the legislators' popularity or a change of government. The essential goals of these elections are to repudiate the legacy of Soviet annexation and occupation and to elect legislatures reflecting the Baltic States' independence. A key aspect of this process is the passage of laws on citizenship and voting rights in parliamentary elections.

Lithuania, in which the population is over 80 percent Lithuanian, passed a citizenship law in 1989 that will allow almost all residents to vote for the country's legislature in October 1992. In Latvia and Estonia, however, the percentage of Balts in the population vis-a-vis non-Balts (mostly Russians and other Slavs who arrived after 1940) shrank dramatically under Soviet occupation. Latvians are today barely a majority in Latvia, while Estonians constitute about 60 percent of Estonia's population. Latvia has not yet passed a citizenship law, but its much-discussed draft resolution on the principles of citizenship would require 16 years of residency in the country. Estonia's parliament has issued liberal regulations for acquiring citizenship, but has restored citizenship and voting rights in the upcoming parliamentary election only to those who were citizens of the interwar republic and their descendants, regardless of nationality.

As a result, most Russians and other non-Balts currently resident in Estonia will not be able to cast ballots in the September 1992 parliamentary election. Many of them, as well as many Russian legislators in Moscow, have protested their exclusion as a violation of human rights. Considering what a huge role the Baltic States played in the democratization of the USSR and bringing down communism, this issue poses for the Balts, for Russians and for the international human rights community an ironic and difficult dilemma in assessing what would otherwise be the most quintessential activity of democracy -- an expression of "the will of the people" via the ballot box.

Another impending election will present other awkward problems, when Georgia's voters go the polls for parliamentary elections in October 1992 (as currently scheduled). The ongoing instability resulting from the forcible overthrow in January 1992 of President Zviad Gamsakhurdia and the dubious legitimacy of Georgia's post-Gamsakhurdia authorities have necessitated an election designed to produce a parliament and government that will be acceptable to most of Georgia's population. Whether that is attainable is uncertain: regions of Georgia wracked by ethnic conflict, such as South Ossetia and Abkhazia, may not participate in the voting and it remains to be seen whether Gamsakhurdia's ardent backers -- whose numerical strength is unknown -- will recognize the election's validity or accept any outcome other than the return of their ousted leader. In any event, they have made plain their antipathy towards Eduard Shevardnadze, current chairman of Georgia's State Council, who is placing great hopes on the election to endow his return to Georgia with legitimacy.

Clearly, elections do not necessarily lead to stability. Nevertheless, they are preferable to bullets, they have been a barometer of change -- and, most importantly, they have provided the medium for the largely peaceful breakup of the Soviet Union. That, in itself, is progress. The upcoming elections and those in the future will reveal how solid that progress really has been.

**REPORT ON THE
ESTONIAN REFERENDUM AND
LATVIAN PUBLIC OPINION POLL
ON INDEPENDENCE**

MARCH 3, 1991

**Tallinn and Iegava District, Estonia
Riga, Latvia**

March 15, 1991

SUMMARY

On March 3, 1991, in votes observed by hundreds of reporters and international observers -- including representatives of the Helsinki Commission, which had been asked by Baltic leaders to send observers -- the people of Estonia and Latvia expressed their preference on the political future of their respective countries by answering "yes" or "no" to questions designed to indicate the strength of popular support for full independence. The result was a resounding success for pro-independence movements. The biggest surprise, given the large proportion of non-Balts in Estonia and Latvia (38 percent and 48 percent of the population, respectively), was that about half of the non-Baltic population voted in favor of independence. Both in Estonia and Latvia, international observers pronounced themselves satisfied with the manner in which the voting was conducted, reporting either no or few and insignificant irregularities.

BACKGROUND

The March 3 votes in Estonia and Latvia followed a similar exercise in Lithuania on February 9, which was held to counter the two-track Kremlin assault on the Baltic independence drive by: 1) calling for a March 17 USSR-wide referendum on keeping the union together, after it became clear that Lithuania, Latvia, Estonia and most Soviet republic legislatures would not sign Mikhail Gorbachev's draft union treaty; and 2) insisting that the Baltic independence movement be "constitutional," i.e., conform with the 1990 Soviet law on secession, which requires at least two approving referendum votes by the population of the republic in question.

The Baltic States had long rebuffed Moscow's demands to hold a referendum, but after the bloodshed in January in Lithuania and Latvia, and pressed by the center to comply with the law on the March 17 referendum, Lithuania organized its February 9 display of public backing for the leadership's pro-independence policy. In that vote 85 percent of the population went to the polls, and an impressive 90.5 percent of the voters cast their ballot for independence. The demographics in Estonia and Latvia made the outcome less predictable and more risky than in Lithuania (where only 20 percent of the population is non-Lithuanian), but legislators in Tallinn and Riga eventually opted as well for a preemptive move to counter anticipated action by Moscow after March 17 to present the Baltic States, the Soviet republics and the world with a *fait accompli* ostensibly backed by the democratically-expressed "will of the people." However, in order to avoid even the appearance of compliance with the secession law, Latvia -- like Lithuania -- called its vote a "public opinion poll"; the Estonian vote was officially called a referendum, which was supposed to serve as an indicator of public opinion.

THE QUESTION AND PROCEDURES

Estonia. The question on the ballot (printed in Estonia and Russian) read: "Do you want the restoration of the state sovereignty and independence of the Republic of Estonia?" The regulations governing the voting were basically the same as for the 1990 Supreme Soviet election, with polling places distributed throughout the 15 rural districts and six cities represented in the Estonian Supreme Soviet. Except for the four Soviet military deputies in Estonia's parliament, military personnel could not vote, since participation was contingent on holding a valid permanent [Soviet] residence permit. Originally, prisoners were also denied voting rights, but this prohibition was later dropped. Persons unable to vote on March 3 could, with proper credentials, vote up to three days prior to referendum day. Those eligible could also vote in Sweden or Denmark.

Latvia. The question (written in Latvian and Russian on the ballot) read: "Do you support the democratic and independent statehood of the Republic of Latvia?" Voters had to be at least 18 years old, have a Soviet internal passport and be permanently registered in Latvia. Those who could not vote in their assigned districts on March 3 could do so in preliminary voting that began on February 24. Persons without internal passports, including active members of the Soviet Armed Forces, could not vote. Fifty percent of eligible voters in Latvia had to take part for the vote to be valid; approximately 1.9 million voters were eligible to cast their ballots in 1,400 voting districts.

PARTICIPANTS AND BOYCOTTERS

Estonia. All the major political parties in Estonia supported the referendum, with the exception of the Estonian National Independence Party. The pro-Moscow "InterMovement" also resisted the referendum, but in the end attempted to rally voters to vote "no."

Latvia. The majority Popular Front faction of the parliament, naturally, favored the advisory vote but the minority ("Equal Rights") faction opposed it, urging voters to cross out both "yes" and "no." The pro-Moscow Latvian Communist Party called on people to vote against independence. The Republican Party, a radical faction of the Latvian Citizens' Congress, opposed the vote and boycotted it, since Latvia is still occupied by Soviet troops.

COMPLAINTS

Both in Estonia and Latvia, pro-independence deputies claimed that anti-independence forces had used scare tactics, such as stuffing mail boxes with anonymous fliers depicting the horrors that would follow independence; specifically, the mass deportation of non-Balts or people who had come to Estonia and Latvia since 1940. In

Latvia, the "Equal Rights" faction objected to the wording of the question, charged before the vote that irregularities had occurred, and argued that monitoring, even with the aid of international observers, could not avert the chicanery they believed would almost certainly take place.

OBSERVERS

Fearing violence or irregularities -- especially after the bloodshed in Lithuania and Latvia in January 1991 -- and wanting the imprimatur of world public opinion for the results, the Estonian and Latvian parliaments and governments invited international observers to attend the March 3 votes. The Central Electoral Committees in Tallinn and Riga accredited over 140 observers in Estonia and over 120 in Latvia, giving them access to polling stations and transportation throughout their countries, as well as the right to observe all aspects of the voting, including the opening and sealing of ballot boxes and ballot counting.

IRREGULARITIES, VIOLATIONS, VOTING AND COUNTING

Estonia. In Estonia no irregularities were reported by observers to Helsinki Commission staff, and none were reported subsequently. But a Norwegian observer noted that in the Russian-speaking Narva area, she saw citizens voting for other family members, and more than one person at a time in a voting booth, a practice observed by Helsinki Commission staff during previous elections.

Though military personnel could not vote, a Tallinn newspaper reported that some commanders organized elections on the Friday before polling day. Soldiers in the three ethnic Russian northeast districts were allowed to participate by decision of the local city councils.

Two Georgian observers joined Helsinki Commission staff in visiting eight polling places in the Iegava district in east-central Estonia. Everything was businesslike, voters said they had received sufficient information on the issues, and there was no "electioneering" near the polling places.

Latvia. Latvian deputies reported cases of "dead souls" in Riga and other inaccuracies in the voter lists, as well as cases of military personnel illegally obtaining internal passports and attempting to vote. But international observers at press conferences gave the proceedings their seal of approval, stating that they had witnessed no irregularities. Few untoward incidents were reported.

Commission staff often saw more than one person in a voting booth, but it was clear they were members of the same family. Generally, the voting appeared to be orderly and Commission staff observed the vote count in a district of Riga inhabited by many army

officers. There, in the presence of an eagle-eyed Latvian deputy, the count was checked many times and all present eventually agreed on the results, which, surprisingly, favored independence. Election commissions were staffed by Latvians and Russians representing various political organizations, and there were local observers present during the voting and counting. Following the vote, Sergey Dimanis, the head of the minority faction in the Latvian parliament, told Commission staff that he accepted the results.

RESULTS

Estonia. Of the 83 percent of eligible voters who participated, 78.6 percent voted "yes" to independence, about 20 percent voted against, and a handful were disqualified. The overwhelming majority of Estonians from the rural areas (93 percent) strongly endorsed independence. The more ethnically diverse urban areas provided a lower, but still significant "yes" vote (65 percent). The results indicated about half the Russians in Estonia voted for independence. In the three overwhelmingly Russian-speaking northeast districts of Estonia, voters favored a locally initiated proposition asking if they wanted "a sovereign Estonia to remain in the USSR."

Latvia. Of the 88 percent of the eligible voters who participated, 73.7 percent voted "yes" while 24.7 percent voted "no." Turnout was highest in heavily Latvian rural regions, where over 93 percent of the population participated, of whom 86 percent voted "yes" and 13 percent voted "no." In Riga, which is about 36 percent Latvian, close to 85 percent of voters took part; close to 61 percent voted "yes," while some 37 percent voted "no."

SIGNIFICANCE OF THE MARCH 3 VOTES IN ESTONIA AND LATVIA

President Gorbachev had officially decreed the February 9 Lithuanian public opinion poll illegal and invalid, saying that he would not be bound by the results, but he apparently made no public pronouncements on the March 3 vote in Estonia and Latvia. While Baltic leaders do not claim that the voting in their respective states has binding legal consequences, spokesmen for different political perspectives offer varying, and often conflicting, assessments of the implications of these expressions of public opinion on Baltic independence.

The most extreme view was probably represented by Alfreds Rubiks, head of the pro-Moscow Latvian Communist Party, who argued that a "yes" vote exceeding 55 percent would constitute "proof" of fraud. But Rubiks' position (and that of his like-minded colleagues elsewhere) seems much weaker in the aftermath of the balloting, given the unexpectedly high backing among Russians for Latvian independence. In fact, Commission staff observed the vote count which favored independence in the very district of Riga which had elected Rubiks to Latvia's parliament.

Many commentators saw the vote as symbolically significant and hence politically

meaningful. The outcome of the Estonian and Latvian votes following Lithuania's pro-independence poll, and the evidence of widespread support among their populations for independence, help to consolidate a unified Baltic stance vis-a-vis the Kremlin. Anatoly Gorbunovs, chairman of the Latvian parliament, told reporters that the pro-independence results supply an additional argument for Baltic leaders to use with Mikhail Gorbachev, who has often claimed that only small numbers of nationalist and separatist "hotheads" actually want Baltic independence. Now it will be more difficult for Gorbachev and others to minimize the size and influence of the pro-independence movement or to try to play off Lithuania against Latvia and Estonia. Equally important, the showing of support for independence by almost half of the non-Baltic population in Estonia and Latvia greatly strengthens the independence drive and undercuts efforts to portray communal friction and anti-independence sentiment in the Baltic states as primarily ethnic, as opposed to political, in origin.

One important implication of the polling outcome is that the use of violence as a tool in the political struggle over Baltic independence has been discredited. Many felt that the killings of unarmed civilians in Lithuania and Latvia by Soviet troops in January 1991 had influenced non-Baltic people in favor of independence, a view that was shared by Sergey Dimanis, head of the "Equal Rights" faction of the Latvian parliament. If the forces in charge of the Internal Affairs Ministry, the KGB and Army troops take seriously this interpretation, it might help prevent a recurrence of the bloodshed that shocked the world in January.

While Baltic leaders were understandably pleased with the outcome of the voting, it nevertheless appears that approximately half of the non-Baltic population in Estonia and Latvia remains opposed to independence. Baltic legislatures and governments will have to consider the views of this sector of the population, both as a variable in their ongoing discussions with Gorbachev and in terms of domestic legislative initiatives. One of their greatest challenges will lie in drafting citizenship legislation which adequately addresses this factor. Conceivably, as some Baltic political activists have conjectured, the support for Baltic independence shown by non-Balts could result in a law on citizenship that would be broad-based enough to help win over some of today's opponents of Baltic independence.

Finally, all Baltic leaders know that while their cause has been bolstered by the results of the voting, this is no guarantee of success because the politically powerful individuals and institutions in the Soviet Union which remain adamantly opposed to Baltic independence retain enough instruments of control and coercion to crush the movement by force. Nevertheless, the soundings of public opinion that have now occurred in Lithuania, Latvia and Estonia provide grounds for optimism. Pro-independence sentiment has proved stronger than anticipated, and this will clearly strengthen the position of the Baltic leaders not only at home but also with Mikhail Gorbachev, the Soviet population, and abroad.

**REPORTS ON THE
MARCH 17, 1991 REFERENDUM ON THE
FUTURE OF THE U.S.S.R.**

April 26, 1991

SUMMARY

- Mikhail Gorbachev portrayed the March 17, 1991 referendum on maintaining a unified socialist state as an outgrowth of perestroika's democratization. In fact, his appeal to the population aimed at undercutting independence drives in the Baltic States and elsewhere, as well as republic legislatures that refused to sign his Union Treaty. The Soviet Communist Party and government used all their assets, especially control of the media, to stump for a high turnout and a Yes vote to the Union.
- Lithuania, Latvia, Estonia, Georgia, Armenia and Moldova boycotted the vote, the first four holding their own plebiscites on independence. The Soviet government countered by aiding local forces to organize balloting. Other Soviet republics added questions or changed Gorbachev's wording to reflect their striving for sovereignty. Only Belorussia, Tajikistan and Turkmenistan held the referendum as Gorbachev wanted it.
- Soviet sources claimed an 80 percent turnout, with 76 percent of participants affirming Gorbachev's Union. But about the same percentage of voters in Russia responded to Boris Yeltsin's call for a popularly elected Russian president. Ukraine's results revealed more backing for a Ukrainian sovereignty declaration basically envisioning a future confederation than for Gorbachev's "renewed federation."
- With all sides claiming victory, the result was plebiscitory paralysis and standoff. Having sought a popular mandate for his vision of reform, Gorbachev gained little and now faces a strengthened rival in Boris Yeltsin, likely to become Russia's first elected president in June. Other republics will also probably introduce presidential systems.
- The latest version of the Union Treaty, presented to voters as the architectural plan of the renewed Union they should support, made concessions to republics, especially in the field of foreign policy, but preserved a centralist state and left unclear key procedures of conflict mediation. Republic leaders insisted on greater control of their resources--which was precisely the state of affairs before the hoopla and panic-mongering surrounding the referendum.
- The referendum--the focus of Soviet politics for three months--left few traces and barely affected the dynamics of center-republic relations. If anything, it showed that absent the use of force by the center, republics can counter virtually any tactical ploy it devises.
- Gorbachev's efforts to control the process of reform and to stem centrifugal tendencies began with legislation. That having failed, he tried cooptation through a Union Treaty, occasionally resorting to coercion. His March 17 referendum signalled an attempt to solve his problems with the republics through manipulation. Its failure could now bring about real negotiation.

I. THE ORIGIN AND POLITICS OF THE REFERENDUM

Introduction

Compared to the situation in the USSR before 1985, a centrally organized referendum in 1991 seeking the "advice and consent" of Soviet citizens on the most basic questions facing their country would seem the very essence of popular sovereignty. In fact, the March 17 referendum--the first in Soviet or Russian history--had an ambiguous relationship to democracy. Its primary purpose was to give Mikhail Gorbachev a popular mandate for getting around inconvenient results of electoral democracy in the republics.

The referendum became the focal point of Soviet politics in December 1990, when Gorbachev proposed the measure to the fourth Congress of People's Deputies.¹ He had previously suggested a referendum on his May 1990 transition program to a "regulated market economy." Gorbachev in October urged another countrywide referendum on legalizing private property, and he repeated this call in his December 1990 speech.²

But the referendum that finally took place did not address economic matters. It purportedly concerned, in the words of *Izvestiya* commentator Stanislav Kondrashov, "no more and no less than the very existence of the state." More conservative Soviet commentators remarked on that fact bitterly: articles in *Sovietskaya Rossiya* noted that a country that had suffered neither wartime defeats nor debilitating natural disasters had nevertheless declined to the point of voting on whether to continue as a state.³

For Gorbachev, the referendum was essentially a desperate attempt to maintain the Soviet Union's territorial integrity and, most important, central control. The Baltic States' declarations of independence, the sovereignty declarations by newly elected republic legislatures in 1990, the rise of Boris Yeltsin as Russian nationalist leader, economic collapse and disintegration, and ever-intensifying fissiparous pressures drove Gorbachev to seek a new glue to hold the Union together. He staked his hopes on a reworked Union Treaty, to replace the 1922 document that had brought the USSR formally into being.

¹ "I submit for examination by the congress the proposal that a referendum be held throughout the country, so that each citizen can express himself for or against a union of sovereign states based on the federal principle." *Foreign Broadcast Information Service, Soviet Union, Daily Report* (henceforth FBIS DR), Supplement, January 7, 1991, p. 5.

² Article 5 of the USSR Constitution envisions submitting "important questions of state life" to a referendum. Interest in referendums had surfaced at the June 1988 19th CPSU Conference but no law on referendums was passed until December 1990. See Sergey Voronitsyn, "The Strange Fate of the Law on Referendums," *Radio Liberty Research*, October 19, 1988.

³ Gorbachev saw it differently in a February 6 television address: "The forthcoming referendum is the first one in our country and this in itself is an immense achievement of perestroika." FBIS DR February 7, 1991, p. 23.

But for republics breathing the heady oxygen of sovereignty, the November 1990 draft Gorbachev offered seemed unacceptably restrictive and centralist. All of them, including the usually cooperative Central Asian republics and Azerbaijan (still seething after the January 1990 Soviet military action in Baku), demanded major amendments. These modifications would have given the republics much more freedom of maneuver and control of their affairs, particularly their natural resources.

Gorbachev apparently was unwilling to make the sorts of concessions the republics wanted. Instead, he contrived to undercut their authority by appealing to the population at large through a referendum. This resort to "democracy as tactic" had by now become a signature tune in Gorbachev's political repertoire. His 1987 campaign for multi-candidate elections to Communist Party posts was aimed at apparatchiks who opposed or impeded perestroika, as his late 1988 program to elect a new countrywide Supreme Soviet targeted the CPSU, which, as an institution, had proved an obstacle to economic and political reform. These stratagems worked even better than intended, however: by July 1989, Gorbachev's blessing of republic Supreme Soviet elections was less calculated policy than a concession wrung from him by increasingly politicized striking miners demanding radical change. In this light, Gorbachev's December 1990 call for a referendum represents a return under pressure to tried and tested policies, with new aims and intended victims: not Party hardliners and obstructionists, but independence movements in the Baltic States and elsewhere, pro-sovereignty republics, decentralizers, reformers, and Boris Yeltsin.

From the perspective of the republics, the referendum from the very outset thus suffered from the same basic strategic and tactical shortcomings as the draft Union Treaty: it was intended to maintain the center's position of dominance, and was a purely central initiative, put forward without consultation with the republics. Leaders of republics made this latter point in interviews and press conferences, when explaining that they had initially opposed holding a referendum at all.⁴ Some republic leaders also argued that a referendum was unnecessary, since support among their constituents for renewing the federation was not in question and organizing a referendum would merely squander scarce resources. Still others worried aloud about holding a referendum during a time of such instability and widespread discontent.⁵

Eventually, an absolute majority of republics, or nine out of 15, complied with Gorbachev's wish that they hold a referendum--but not necessarily according to scenario. And considering the circumstances of its genesis, it was no surprise that the referendum,

⁴ See, for example, the interview with Kazakhstan's president, Nursultan Nazarbaev, in FBIS DR Supplement, March 20, 1991, p. 72.

⁵ Apart from Nazarbaev, Turkmenistan's Saparmurad Niyazov expressed this concern. See also Ann Sheehy, "The March 17 Referendum on Preservation of Union," *Report on the USSR*, Volume 3, No. 7, February 15, 1991, pp. 5-7.

to quote Kondrashov again, "conceived as a national vote of confidence in a renewed Union, also landed in the whirlpool of stormy processes and from a means of resolving crisis problems, became itself a problem, sharpening resistance in society."

Legal and Semantic Aspects of the Referendum

On December 24, 1990, the USSR Supreme Soviet approved Gorbachev's proposal to hold a referendum and on January 16, 1991, set the date of the exercise for March 17. The decision to hold the referendum was mandatory for all republics and citizens. Its results, according to the resolution, were "binding on the whole territory of the USSR and could be rescinded or altered only by means of a new referendum."⁶

The question devised for the USSR's first referendum read as follows: "Do you consider necessary the preservation of the Union of Soviet Socialist Republics as a renewed federation of equal sovereign republics, in which the rights and freedoms of an individual of any nationality will be fully guaranteed?"

The referendum rules prescribed that the results would be valid if half of the USSR's eligible voters took part and if 50 percent-plus-one of those who did voted "Yes." As many observers quickly pointed out, only 26 percent of those on voter lists could thus decide the issue, (whereas the April 1990 law on secession required at least two-thirds of eligible voters in a republic to vote for secession to begin the process of exiting the USSR).⁷

The referendum soon came under attack from many quarters. Jurists questioned its legality, claiming that the January 16 resolution on the referendum contradicted its ostensible basis, the December 27, 1990 law on referendums. They argued that the question posed was tantamount to asking whether republics had the right to secede, a matter properly within the republics' competence, and therefore inappropriate for an all-Union referendum.⁸

Equally confusing to many were the referendum's tallying procedures. Gorbachev on December 17 had said "The results of the referendum in each republic will be the final verdict." But Yuri Kalmykov, Chairman of the USSR Supreme Soviet Legislation Committee, said that the results would be considered "both for the Union as a whole and in respect of individual republics." He concluded that Union-wide results would not be

⁶ FBIS, DR January 17, 1991, p. 17.

⁷ Sheehy, p. 6.

⁸ FBIS DR February 15, 1991, pp. 36-37.

binding for individual republics: "Otherwise, what would be the point of counting the votes separately of each republic?"⁹

According to other sources, the result would reflect the Union vote, "with account taken of" the tally in the republics. Exactly what that meant is unclear; perhaps Anatoly Lukyanov, Chairman of the USSR Supreme Soviet, explained it when he told *Komsomolskaya Pravda* that if fewer than half the voters in a republic participate, "the results of that vote will nonetheless be taken into account in summing up the results of the referendum for the Union as a whole."¹⁰

One thing about the counting *was* clear: Gorbachev, immediately after proposing the referendum on December 17, stated that a "No" vote in a republic would *not* mean its immediate and automatic secession from the Soviet Union. Soviet officials often repeated that point, specifying that the 1990 law on secession remained the only possible way for a republic to leave the USSR.¹¹

The referendum question itself drew criticism from all corners. Yuri Kalmykov explained that the wording was the "product of collective work. It is not that bad, in my view."¹² But few agreed with him, including high government officials and conservatives.¹³ Some of the problems were obvious: 1) the question actually contained several questions, so how could one simply answer "Yes" or "No"? 2) how could one "preserve" something that is not yet "renewed?" 3) the question assumes the survival of a "socialist" Union, leaving a voter who favored the preservation of a unified state but opposed "socialism" (whatever that means) in an awkward position.

But the less obvious difficulties were equally troubling. For example, those who wanted a renewed Union had no choice but to answer "Yes," since anything else would have been "No." As Alexander Rubtsov pointed out in *Moscow News*, No. 9, "One can vote for an alternative Union only by voting for total disintegration of the existing one." Yet an affirmative answer could be seen as support for local soviets as a form of state power, for "socialist choice," or for the government's use of harsh measures to resolve

⁹ FBIS DR February 22, 1991, p. 65.

¹⁰ FBIS DR March 19, 1991, p. 27.

¹¹ Otherwise, of course, a republic seeking independence could have taken part in the referendum, voted "No" by a wide margin, and argued that it was no longer part of the USSR.

¹² FBIS DR February 22, 1991, p. 65.

¹³ These included Georgi Komarov, co-chairman of the hardline *Soyuz* faction in the USSR Supreme Soviet. See FBIS DR March 15, 1991, p. 30.

interethnic tensions.¹⁴ As for the question's final clause on the "equal rights" of all, a commentator remarked in *Literaturnaya Gazeta* on March 6 that not even USSR Supreme Soviet consultants knew where it had come from.

These considerations led the academics mentioned above to argue that the wording itself violated the referendum law, as it was "not clear and neutral" in meaning. The referendum, they concluded, was "politically undesirable, juridically inaccurate, and sociologically unprofessional" and they urged its cancellation.¹⁵

The central Soviet authorities dismissed these objections. Rafik Nishanov, Chairman of the Council of Nationalities of the USSR Supreme Soviet, countered that the people had a right to decide whether there should be a Union. He disputed the notion that the referendum's question was identical with one on the right of republics to secede, or whether it should or should not be in the Union.¹⁶ Other officials took the same approach, and the "referendum train" sped on.

"Counter-Referendums"

But the speeding train soon became sidetracked, as republics and their constituent parts began responding to Gorbachev's initiative. He evidently either did not foresee--or was willing to risk--that republics pressed to hold a referendum designed to undercut their authority would counter-attack. Their obvious options were to boycott his referendum and hold their own, or they could try to use his tactic against him by altering his question or adding one to it that promoted their own interests.¹⁷ In this way, one referendum begat others. Like the "sovereignty mania" of 1990, the referendum of 1991 came to reflect the fundamental jurisdictional and national disputes plaguing a Soviet system that has lost all legitimacy. In fact, in some cases, the posing of one question allowed others to surface that might otherwise have been awkward to raise. Whether or not they did, in turn, illuminated the correlation of political forces in regional and local governing councils. For instance, a question on the desirability of full independence for

¹⁴ FBIS DR February 20, 1991, p. 56. This point was made by Sergey Kozlov, deputy director of the Sociology Center of the USSR United Nations Association.

¹⁵ FBIS DR February 15, 1991, pp. 36-37.

¹⁶ FBIS DR February 28, 1991, p. 30.

¹⁷ If Gorbachev did not anticipate this response, he should have: by December 1990, the "war of laws" between center and republics had already been going on for two years and showed no signs of abating. Nevertheless, Anatoly Lukyanov, Chairman of the USSR Supreme Soviet, described the referendum as an act of "formulation of the will of millions of people" and professed not to understand, "in human terms, why people want to tack on all kinds of preemptive or parallel polls to the nationwide referendum." FBIS DR March 19, 1991, p. 27.

Ukraine easily made it on the ballot in three western oblasts but could not have won the approval of the republic's Supreme Soviet in Kiev.¹⁸

For the Baltic States and Soviet republics determined to gain their independence, the all-Union referendum represented a serious danger. The Baltic States do not regard themselves as subject to Soviet law in any case, and agreeing to hold the March 17 referendum would have undermined this position. Besides, a strong "Yes" vote for maintaining the Union, they feared, could give Gorbachev justification for a crackdown, perhaps even the dissolution of their legislatures and the imposition of presidential rule. It was obvious, therefore, that Latvia, Lithuania and Estonia would refuse to comply.

LITHUANIA

Lithuania was the first to strike, announcing plans on January 17 to hold on February 9 a "public opinion poll" on independence. Lithuania, like Latvia and Estonia, had long resisted pressure from the center to hold a referendum on that issue, for several reasons: no referendums had accompanied their forcible incorporation into the USSR in 1940, and unlike the situation in Lithuania, where 80 percent of the population is Lithuanian, the influx of non-Balts into Latvia and Estonia since 1940 made the outcome there unclear. Furthermore, the April 1990 law on secession envisions a series of referendums and the Balts wanted to avoid even the appearance of compliance with that legislation. But under intense pressure from the Kremlin, especially after the violence perpetrated by Soviet "Black Berets" in January 1991, Lithuania's leaders decided to demonstrate the extent of public backing for independence and preempt anticipated Kremlin attempts after March 17 to crush Baltic hopes by pointing to "the will of the people" to keep the Union together.

On February 5, Gorbachev decreed that the plebiscite was "without legal foundation," but on February 9, voters in Lithuania went to the polls to answer "Yes" or "No" to the following question: "Do you want Lithuania to be an independent and democratic republic?" The outcome, as expected, revealed overwhelming support for independence: 85 percent of the population voted and 90.5 percent of the participants answered in the affirmative. Buoyed by these results--or perhaps resigned to undergo what, for them, was a riskier venture--Estonia and Latvia also decided to hold similar exercises on March 3, 1991.

¹⁸ See below, p. 21. For a list of different referendum questions see Ann Sheehy, "Fact Sheet on Questions in the Referendum of March 17 and Later Referendums," *Report on the USSR*, March 22, 1991, pp. 5-6.

ESTONIA AND LATVIA

Helsinki Commission staff, at the invitation of the parliaments and governments of Estonia and Latvia, observed the March 3 balloting.¹⁹ In Estonia, about 83 percent of eligible voters took part, of whom about 78 percent answered "Yes" to the question "Do you want the restoration of the state sovereignty and independence of the Republic of Estonia?" In Latvia, where the question read "Do you support the democratic and independent statehood of the Republic of Latvia?" the corresponding figures were 87.5 and 73.6.

The most surprising result of the voting was that about half of the non-Baltic population in Estonia and Latvia voted for independence. Their show of support for Baltic aspirations undercut Kremlin efforts to portray communal friction and anti-independence sentiment in the Baltic States as primarily ethnic, as opposed to political, in origin.

By March 3, therefore, the plebiscites held in Lithuania, Latvia and Estonia had served to consolidate and strengthen a unified Baltic stance vis-a-vis the Kremlin, and had shored up the political position of the local leaderships. And while Lithuania's early decision to counter Gorbachev's referendum with its own "public opinion poll" did not determine the behavior of the Soviet republics, it certainly supplied a stimulating example.

Boycotters and "Dueling Referendums"

In late January and early February the Soviet republics gradually worked out their positions on the referendum. Armenia, Moldova and Georgia followed the Baltic model and announced their intention to boycott the referendum. On February 7, the RSFSR Supreme Soviet agreed to hold the referendum, but decided on a simultaneous republic referendum. It soon became clear that other republics would adopt a similar position, forcing Gorbachev to face the possibility of numerous competing questions.

On January 30, Dmitri Golovko, Chairman of the USSR Central Commission on the Referendum, said that republic parliaments should be allowed to decide whether to "include a concrete question of the given region."²⁰ The Soviet leadership was less understanding: on February 25, the USSR Supreme Soviet rejected independence plebiscites in republics as legal grounds for not holding the all-Union referendum "because they have not provided an answer to the main question brought up for discussion and

¹⁹ A more detailed report of their findings can be obtained from the Commission on Security and Commission in Europe: "Report on the Estonian Referendum and Latvian Public Opinion Poll on Independence, March 3, 1991."

²⁰ Radio Free Europe/Radio Liberty Daily Report (henceforth RFE/RL DR), January 31, 1991.

voting by the Soviet people."²¹ The Supreme Soviet also declared invalid decisions by republics to block or not hold the referendum and empowered oblast, county and city soviets, as well as labor collectives at enterprises, institutions and military units in such republics to form electoral precincts. Voters could cast ballots in any polling place established under these provisions.

Ultimately, only three republics agreed to hold the referendum as Gorbachev and the USSR Supreme Soviet intended: Belorussia, Tajikistan and Turkmenistan. In each of these republics, there were domestic pressures either to boycott the proceedings altogether or to alter the question, but the conservative leaderships cooperated fully with Gorbachev. The legislatures of Ukraine, Azerbaijan,²² Uzbekistan and Kyrgyzstan (Kirgizia) followed in Russia's steps, deciding to add a question to the all-Union wording; Kazakhstan changed the question entirely.

By the end of February, therefore, battle lines were drawn. It was clear that the referendum, instead of laying the groundwork for unity, would reflect and exacerbate existing tensions between center and republics, as the "war of laws" turned into the "clash of questions."

Democratic Opposition Movements Respond

The government's referendum initiative forced not only republics, but also political movements and individual politicians to respond. Some of the better known radical politicians, such as Leningrad mayor Anatoly Sobchak, said they would vote "No," since a "Yes" vote would constitute approval of Gorbachev's centralist concept of the Union. But the opposition movement was split, as evidenced by their varying stances: some parties called for a boycott, others urged a "No" vote and still others counseled crossing out both "Yes" and "No" -- the position Sobchak, in fact, eventually adopted.

A February 17 statement by the Inter-Regional Group of the USSR Supreme Soviet criticised the referendum's wording for its murkiness and for contradicting the USSR law on referendums, which prohibits putting any question about a republic's status or competence to a referendum. The deputies also charged that tallying the results in terms of the USSR as a whole "violates the peoples' inalienable right to self-determination." They recommended suspending preparations for the referendum and instructing the Constitutional Oversight Committee to bring the wording and procedures into line with the law. They suggested further that republic referendums might be held to approve the Union Treaty after it had gained the approval of the republics.²³

²¹ FBIS DR February 25, 1991, p. 32.

²² See below, p. 32.

²³ FBIS DR March 15, 1991, p. 34.

The Coordinating Council of Democratic Russia issued a statement that included the following assessment of Gorbachev's initiative: "The referendum is being conducted with the purpose of sanctifying through the 'will of the people' the anti-national dictatorship that has been prepared and is already being introduced in Nagorno-Karabakh, the Baltics and some other regions." Supporters of Democratic Russia were urged to say "No" to the all-Union question, and "Yes" to the RSFSR question.²⁴

The Democratic Congress, an umbrella organization of parties and movements from 11 republics, met in Moscow on March 2-3. At the meeting's conclusion, leaders of the congress told reporters that their backers had started a campaign to disrupt the March 17 voting, but acknowledged that their efforts were not successful everywhere.²⁵

At the other end of the political spectrum, a bloc of conservative movements, including deputies of *Soyuz*, the Russian Communist Party, *Yedinstvo* [Unity], headed by a pro-Stalinist chemistry teacher from Leningrad, Nina Andreeva, and the anti-Semitic *Pamyat* organization, issued a joint statement calling for affirmation of the country's "socialist choice" on March 17 by voting "Yes."

Getting Out the Vote: the Party Goes Stumping

Facing resistance from republics and political movements, the Soviet leadership mobilized the government, the CPSU apparatus and media outlets at its command to influence voters. A February 6 Politburo resolution noted that while the organization of the referendum was the job of the relevant commissions, "the CPSU cannot stand aside" and called on Party committees and organizations to explain that "the existence of the USSR objectively accords with the vital interests of all Soviet people."²⁶

In several television speeches, Gorbachev offered reasons to vote in the affirmative. The underlying theme of his arguments, which the central media played up at every opportunity, was that a "No" vote would mean the actual breakup of the country (as opposed to a possibly different political order and structure). This, he warned, would have disastrous effects for the "75 million people" in the USSR who live outside their

²⁴ FBIS DR March 13, 1991, pp. 34-35. For the RSFSR question, see below, p. 14.

²⁵ RFE/RL DR March 4, 1991.

²⁶ FBIS DR February 7, 1991, p. 26. *Argumenty i Fakty*, No. 10, published excerpts of documents obtained from the Moscow City CPSU Committee, which offer--apart from many other fascinating insights into the Party's propaganda techniques--sample slogans, including 1) "Your motherland is calling you. Say 'Yes.'" 2) "Mommy! Save my future. Come and vote 'Yes.'" 3) "Let there always be blue sky. Say 'Yes.'" See FBIS DR March 15, 1991, p. 27.

home republics,²⁷ and would cause colossal economic disruption. Gorbachev stressed the security afforded by a superpower with a well-developed scientific and cultural base. He warned of the danger of new states armed with nuclear weapons, and pointed to the desire of the West to see the USSR remain a unified country.

This theme of "the Union or Chaos" steadily intensified, reaching virtual fever pitch as March 17 approached. In a remarkable address on March 15, Gorbachev called on citizens to save a state put together by so many generations, sacrifices and effort and promised that a "Yes" vote would ensure the continuation of reforms.

Another government propaganda tactic involved offering voters different interpretations of what they were voting for. For example, Yuri Kalmykov said the goal of the referendum was "to determine the attitude of the country's population toward our form of government....Socialist or non-socialist, a soviet system or not."²⁸ But on March 9, USSR Vice-President Gennadi Yanaev said on television that "during the referendum we answer the main question: we come out in favor of a united state, in favor of a state. We are not discussing the form of the state structure or the nature of the structure...we will determine the choice of structure...when we sign the Treaty of the Union of sovereign republics."²⁹ Several commentators concluded that such contradictory statements were deliberate, a clever ploy designed to confuse voters who would then fall back on the familiar and vote for the Union.³⁰

Finally, the Soviet authorities exploited to the fullest their control of the airwaves to sway voters. CPSU Politburo member Petr Luchinsky claimed that "all political movements and parties can have their say...in the mass media..."³¹ But opponents of the referendum had virtually no chance of reaching the public through the central media. Boris Yeltsin--whenever he could get airtime--played down dire prophecies of doom and destruction, arguing that a "No" vote would not have any frightful consequences.

In short, having set the referendum in motion, Gorbachev was resolved to see it through, despite unmistakable signals from the republics that they were equally determined

²⁷ In official sources, the number of such people in the USSR has risen steadily as the crisis in the country has escalated. Not so long ago, the figure generally cited was 60 million. Anatoly Lukyanov provided a figure of 70 million. FBIS DR March 19, 1991, p. 27.

²⁸ FBIS DR February 22, 1991, p. 65.

²⁹ FBIS DR March 11, 1991, p. 38.

³⁰ See *Moscow News*, No. 9, 1991. It is possible, however, that these contradictory statements represented confusion on the part of officials themselves.

³¹ FBIS DR March 15, 1991, p. 27.

to subvert it. The Soviet leadership thereupon pulled out all the stops in a campaign in which nothing, apparently, was left to chance: a fuzzy question that strove to appeal to all citizens, who could interpret it as they wished; confusing counting procedures (in case anything went wrong), and a non-stop media blitz in favor of the referendum while denying nay-sayers access to countrywide outlets. One commentator concluded that "the referendum is sure to succeed. They wouldn't gamble if they were unsure of the outcome. They never do in this country."³²

Mandate for What?

Despite all the exhortations, explanations and promises, it was never quite clear what the referendum might give Gorbachev, even in his best-case scenario. One frequently heard opinion held that a successful referendum would endow him--an unelected leader--with a much needed form of legitimacy. Another school of thought saw Gorbachev strengthened by the referendum against the growing onslaught of the democratic opposition. But many also openly worried that a solid "Yes" vote would allow him to justify repressive measures against recalcitrant republic leaderships by appealing to the will of the people to save the Union. Lithuania's president Landsbergis and Anatoly Gorbunovs, Chairman of Latvia's Supreme Council, voiced this concern, the latter adding that the imposition of presidential rule in the Baltic States could ensue. Radical deputy Galina Starovoitova warned that a similar fate might befall the Russian legislature, and her colleague Yuri Afanasyev wrote in the March 15 *Wall Street Journal* that the referendum was designed to sanction violence already perpetrated by the regime in Tbilisi, Baku and Vilnius, and "the violence now being prepared."

A less sinister, if highly political, interpretation identified Gorbachev's success in the referendum with intensified central pressure on republics to sign the Union Treaty, which had been undergoing revision since December 1990.³³ To make the murkier aspects of the referendum more concrete, perhaps also to allay the concerns of those who feared the worst, and apparently mindful of public confusion about what sort of Union voters might anticipate, Gorbachev pushed negotiators to approve the basics of the document, so that it could be released before March 17.

The New Union Treaty

Compared to the November 1990 version, the draft of March 1991 made notable concessions to the republics, evidence that their complaints and reservations had been heard. This was not surprising, since the republics played a much more active role in its

³² *Moscow News*, No. 9, 1991.

³³ Yuri Prokofyev, first secretary of the Moscow City CPSU Committee, made this connection explicit in a March 15 interview with *Moskovskaya Pravda*: "Everybody can make a conscious choice on the [all-Union] question by reading the published draft of the Union Treaty and understanding that this is the renewed Union they are voting for."

formulation. Plenipotentiaries of 26 republics--8 Union republics (minus Latvia, Lithuania, Estonia, Moldavia, Georgia and Armenia) and 18 former autonomous republics--labored on the revisions. Representatives of Azerbaijan, as well as of the Russian-speaking population of Estonia, attended working meetings as "observers."³⁴

Evidence of their input surfaces in the first paragraph's acknowledgment of the republics' declarations of sovereignty, which, republic leaders had complained, the center had never taken seriously. A related novelty is the recognition (indirect, to be sure) of the treaties and agreements concluded between republics. Moreover, the draft specifically states that the Union Treaty is to be ratified by "authorized delegations of the republics," whereas the earlier version had tellingly said nothing about the means of ratification.

The article from the November 1990 draft providing for the expulsion of a republic from the Union is gone, and there is explicit recognition of the right to secede "in the manner prescribed by the parties to the treaty" -- a sign, perhaps, that the April 1990 law on secession is not written in stone.

Evolution is particularly noticeable in the sphere of foreign policy, which the November draft had assigned wholly to the Union. Now the definition of the country's foreign policy course is done by the Union "together with the republics," which are "fully fledged members of the international community." Their rights include the establishment of direct diplomatic, consular, trade and other ties with foreign states, including participation in international organizations and concluding treaties with foreign states, (so long as they do not infringe on the interests of any of the republics or violate the USSR's international commitments).

Another important change concerns the very contentious matter of ownership. Republics are recognized as owners of natural resources on their territory, and whereas the November 1990 draft conceded this point "except for that portion essential for implementation of the Union's responsibilities," now the Union may use such resources on a *contractual* basis. Republics also create the legislative framework for the Union's use of their resources, and they are entitled to a share of the country's gold, diamonds and foreign currency reserves.

Despite these innovations, however, the draft describes the USSR as a federal state. The USSR--i.e., the center--retains control of the "organization of defense and the leadership of the USSR Armed Forces," and there is a "single procedure for the draft." This would bar republic armies, which are specifically envisioned by the sovereignty declarations of some republics. Perhaps as compensation, republics gain some role in

³⁴ FBIS DR March 13, 1991, pp. 31-32. See also *Soyuz*, No. 11, March 1991.

defining state security and military strategy, and resolving questions related to the stationing of troops and military installations in republics.

The draft also preserves much central control of economic matters, enshrining a single financial, credit, monetary, taxation and price policy (precluding separate currencies, another provision of some republic sovereignty declarations). On the other hand, republics reserve the "right to the autonomous solution of all questions of their development," a contradiction certain to raise difficulties and disputes. And in the crucial "war of laws," the draft gives Union legislation primacy on matters within its competence and obligates republics to implement such legislation. Disputes over jurisdiction are submitted to a USSR Constitutional Court if they are not resolved through conciliation procedures. But the draft, like its predecessor, says nothing about the membership or procedures of that crucial body.

Two other features of the proposed "renewed Union" that remained unchanged from November 1990 to March 1991 concern provisions for a popularly elected head of state. The USSR president is to be elected directly by universal, secret ballot and must win over half of the votes "cast in the Union as a whole and in the majority of the republics." This formulation theoretically could give a candidate the great majority of ballots cast (e.g., if most eligible Slavs voted for him), yet deprive him of the presidency if most voters in non-Slavic republics voted against him.

Another troublesome issue was language; the draft recognizes Russian as the "official language" of the USSR; a change from the earlier draft's designation of Russian as the "state" language. But this distinction was lost on members of Ukraine's *Rukh* movement, whose representatives objected that such privileged status for Russian would effectively nullify the language laws of sovereign republics.

In sum, the publication of the draft Union Treaty did not help clarify matters much. Many questions remained unanswered about delineation of spheres of competence and means of resolving disputes. Particularly contentious was the provision that republics "belong to the Union directly, or as part of other republics." As Boris Yeltsin pointed out, that could lead to Russia's disintegration, if its autonomous republics decided to secede. And as for the independence-bound Baltic States and some Soviet republics, the Union Treaty was simply irrelevant. They took no part in its formulation and rejected any application of any of its provisions to themselves. That in itself diminished the significance of the reworked document purporting to show Soviet voters what they might gain by voting "Yes" on March 17.

II. OBSERVATION OF THE BALLOTING

Helsinki Commission staff observed the voting on March 17 in Russia, Ukraine, Latvia and Kazakhstan, as well as the March 31 referendum on independence in Georgia. Their reports, supplemented by later information from published sources, follow below.

RUSSIAN SOVIET FEDERATIVE SOCIALIST REPUBLIC (RSFSR)

If the referendum's primary purpose was to give the center the weapon of broad public mandate against the republics, in Russia it immediately took on an additional, highly personalized coloration. The confrontation between Mikhail Gorbachev and Boris Yeltsin reflects not only the power struggle between center and republics but the touchy relationship between two individuals, whose battles have become a mainstay of Soviet politics and the Soviet and international press. It was natural that Yeltsin would perceive Gorbachev's plans for a referendum as a threat and would respond accordingly.

On January 25, the Presidium of the RSFSR Supreme Soviet agreed to hold the all-Union referendum and recommended that the Supreme Soviet consider additional questions. In the ensuing deliberations, Yeltsin managed to have added to the ballot a question more to his liking: "Do you consider necessary the introduction of the position of President of the RSFSR, elected by universal suffrage?"

The possibility of establishing such a post had arisen in December 1990, and Yeltsin was the obvious front-runner, if not shoo-in. Winning the presidency would, first, give him the broad mandate Gorbachev so painfully lacks and has feared to seek, and, second, elevate him above the legislature, removing the concern that conservative deputies could conspire to depose him. Having given Yeltsin this victory, the Supreme Soviet on February 7 passed a resolution to hold both referendums on March 17.

Anti-Yeltsin forces, spearheaded by the Russian Communist Party (RCP) and its backers, assailed his maneuver as not merely subversive but illegal. The RCP newspaper, *Sovetskaya Rossiya*, accused the Supreme Soviet presidium under Yeltsin's chairmanship of a multitude of sins, ranging from misrepresenting the amount of support among deputies for proposed additional questions to violating the RSFSR constitution. These latter improprieties allegedly involved exceeding the competence of the Presidium and non-compliance with the provisions of the October 1990 RSFSR law on referendums.

The publicizing of these charges did nothing to slow the Yeltsin bandwagon, propelled by his burgeoning popularity. Despite calls by Gorbachev's spokesmen not to see the referendum as a duel between Gorbachev and Yeltsin, many people did, including the principals themselves. In a speech recorded and played to a large rally, Yeltsin said of the referendum: "We have to determine our position concerning the Union. That is to

say, support for Gorbachev."³⁵ Yeltsin did not urge voters to say "No" to Gorbachev's question, perhaps for fear that his standing among Russians might fall, but he often hinted at this preference.³⁶

Gorbachev, for his part, told reporters on March 17 that he would respect the opinion of Russians on the desirability of a popularly-elected president. But, he added, if such a leader enjoyed powers envisioned in the draft Russian constitution [such as commander-in-chief of the Russian armed forces!] there was no possibility of a Union of sovereign states or retaining the Union. The Soviet president thus made explicit that as far as he was concerned, the all-Union question and the RSFSR question were incompatible.

As a result, voters in the RSFSR were presented with two very different political personalities, holding different visions of the country's future. Yet most people, and their representatives, focused their attention and concern on more immediate problems, such as rising unemployment and an impending price hike. The March 17 referendum in Russia was thus simultaneously controversial and irrelevant.

Regional and Municipal Questions

Yeltsin had scored points against Gorbachev, but his own turn soon came. As republics' sovereignty declarations in 1990 generated analogous responses from their constituent parts, so now did the RSFSR referendum elicit reactions mirroring the political calculus inside the republic. Regions and cities in the RSFSR took a lead from Yeltsin and devised additional questions of their own. Some merely reflected local concerns. For example, authorities in Kamchatka and Sakhalin sought popular approval of measures to restrict the migration of people from other regions.

On March 6, the Moscow City Council decided to present voters with yet a third question, (in addition to the all-Union and RSFSR ballots): "Do you consider it necessary to have direct elections for the mayor of Moscow by the city's residents?" The question was of a purely informational character, according to a City Council official, and was motivated by the ineffectiveness of the city's government and the corresponding need to strengthen executive power.³⁷

³⁵ FBIS DR March 11, 1991, p. 69.

³⁶ A western correspondent inferred from Yeltsin's March 15 radio interview that he "made clear he saw a no vote as the most sensible course, saying that it would send a warning to the Kremlin that radical policy changes are needed." Michael Dobbs, "Gorbachev Urges Vote to Keep Union Together," *Washington Post*, March 16, 1991.

³⁷ *Nezavisimaya Gazeta*, March 9, 1991.

In other regions, however, the attitudes of local governing councils to the RSFSR referendum reflected the ongoing battle between the republic and its constituent parts, a contest Gorbachev's center had long been stoking to weaken Yeltsin. On February 22, the Smolensk Oblast soviet decided not to conduct the Russian referendum, on the grounds that it violated the RSFSR Constitution and the RSFSR law on referendums. North Ossetia's soviet followed suit on March 2.

As regional resistance mounted, the RSFSR commission on the referendum called on organs of state power to do everything possible to ensure that people could vote. On March 4, in an ironic mirror image of the February 25 USSR Supreme Soviet decree aimed at republics, the Presidium of the RSFSR Supreme Soviet authorized local soviets to organize voting in regions where district commissions were not conducting the RSFSR referendum. The same day, Yeltsin's first deputy Ruslan Khasbulatov signed a resolution "deputizing" RSFSR parliamentarians as official observers, to help organize the referendum.³⁸

These efforts were not entirely successful. Eventually, Tatarstan, Tambov, Chechen-Ingushetia, Tuva and Ryazan joined Smolensk and North Ossetia in refusing to hold the RSFSR referendum. Some of these decisions were apparently linked to the ongoing difficulties in the negotiations on the Union Treaty. At a March 6 meeting of the Federation Council, Gorbachev favored the inclusion of Russia's autonomous formations as direct subjects of the treaty. Yeltsin balked, saying he would not approve the draft under those circumstances, since it threatened the disintegration of Russia.³⁹ Another factor, as the chairman of the Legislation Committee of the RSFSR Supreme Soviet explained, was the desire of local Communist Party officials in certain regions and cities to undermine Boris Yeltsin's position.

As a result, in Russia, as in the Union, the battle lines were clearly drawn. The Chairman of the RSFSR Commission on the Referendum felt compelled to denounce efforts by Soviet and Russian legislators to campaign against one or the other referendum.⁴⁰ Both Gorbachev and Yeltsin could look forward to March 17 with anticipation, and trepidation.

The Voting

By early March, almost 100,000 electoral commissions had been formed in the RSFSR. The estimated cost of organizing the vote was 113 million rubles.

³⁸ *Rossiiskaya Gazeta*, March 8, 1991. On March 11, the USSR Supreme Soviet continued the dance, passing a similar resolution for USSR deputies to observe the all-Union referendum.

³⁹ *Kommersant*, March 4-11, 1991.

⁴⁰ FBIS DR March 8, 1991, p. 73.

Helsinki Commission observation of the balloting in Moscow on March 17 produced nothing calling into question the integrity of the voting procedures themselves.⁴¹ Although voting seemed to proceed regularly, the actual voting and counting were not well documented by foreign and domestic monitors. Commission staff saw voters marking their ballots in public and joining family members in voting booths, both practices observed by Commission staff in previous elections in the USSR.

However, both the government's handling of the pre-vote campaign and the all-Union question itself made the referendum less than straightforward and raise the question of fairness. When asked to explain their votes, people often fell back on their gut feelings towards the center and the two leaders (Gorbachev and Yeltsin), along the lines of: "I don't understand the question but I know I'm for the Union" or "I favor preservation of the Union but not Gorbachev's."

Unequal media coverage and treatment of the issue also hampered Russian citizens' ability to make a free and informed choice. Media freedom has been sharply cut back throughout the USSR since December 1990; the opposition has practically lost its access to countrywide television, censorship is making a comeback and journalists report stepped-up harassment. National television did not air the views of those who voted "No," but frequently broadcast lengthy programs urging a "Yes" vote. Gorbachev's speech on March 15 was carried live on the evening news; Yeltsin was able to make his pitch only through Radio Rossii and the RSFSR newspaper, *Rossiiskaya Gazeta*. Central Soviet television refused Yeltsin's request for 30 minutes of air time on March 15, and Yeltsin, in turn, rejected a last-minute offer for ten minutes.⁴² On March 12, Leonid Kravchenko, the head of all-Union State Television and Radio, told Novosti that he believed Yeltsin might urge people to ignore the referendum or make other "anti-constitutional statements."⁴³

Nevertheless, the results in the RSFSR may have been affected more by voter apathy than by irregularities. At polling stations in downtown Moscow and in suburban high-rises, elderly voters predominated, suggesting that voting was based on old habits and that the issue had failed to seize the imagination and passion of the discouraged, apathetic younger generation.⁴⁴

⁴¹ Radio Rossii, the station of the RSFSR, has charged in its broadcasts that there were, in fact, numerous irregularities designed to rig the outcome in favor of the all-Union referendum.

⁴² Michael Dobbs, "Gorbachev Urges Vote to Keep Union Together," *Washington Post*, March 16, 1991.

⁴³ RFE/RL DR March 13, 1991.

⁴⁴ The *Financial Times* correspondent in Moscow observed similar patterns in a March 18 report.

Results

75.3 percent of voters in the RSFSR took part in the referendum, of whom, TASS reported on March 25, about 73 percent voted "Yes" to the all-Union question, and about 70 percent approved creating the post of republic president. Approximately 28 percent of participants voted against the republic referendum, and about 2 percent of ballots were invalid.

On March 18, the Presidium of the RSFSR Supreme Soviet ruled that the creation of a popularly elected presidency in the republic was not a constitutional matter, so its passage only required the approval of over half of those voting, as opposed to half of all eligible voters. *Sovietskaya Rossiya* on March 20 cried foul, and reminded readers that Yeltsin on March 15 had said that over half of Russia's voters had to vote "Yes" on the republic referendum for it to pass. *Sovietskaya Rossiya* charged that the Yeltsin-chaired Presidium had changed the rules in midstream because voting results in 14 of 16 republics constituting the RSFSR had been negative.⁴⁵

Whether or not Boris Yeltsin actually "cooked the books," while important, is not really significant. The popular perception inside and outside the USSR and the RSFSR is that about as many people in Russia voted for a popularly elected president--namely, Boris Yeltsin and whatever he represents--as voted to preserve the Union represented by Mikhail Gorbachev. Attacked by Gorbachev via an appeal to the public, Yeltsin struck back with a maneuver to strengthen his own position, demonstrating anew his willingness to fight and his tactical skills.

The results of the RSFSR referendum effectively nullified whatever gains Gorbachev might have derived from the all-Union question. Yeltsin's subsequent rout of his opponents at the extraordinary session of the Russian Congress of People's Deputies (which was called in hopes of deposing him) has set the stage for his election as president of the RSFSR. That, in turn, presages the emergence of a Yeltsin-led RSFSR government pretending to equal power with the center, a government increasingly perceived by reformers as the best hope of wrenching the country out of paralysis and decline.

LATVIA

On March 6, the Latvian Supreme Council ruled that the March 17 referendum had "no legal effect on Latvia" and that election committees established for the March 3 advisory vote on independence would not cooperate. TASS reported on March 7 that representatives of some 17 organizations would conduct the referendum, including the Communist Party, Intermovement and the United Council of Labor Collectives (both of

⁴⁵ Ann Sheehy has speculated that if not for the change in the counting rules, the RSFSR referendum might, in fact, not have passed. RFE/RL DR March 21, 1991.

which have a heavily Russian constituency and are linked to enterprises under all-Union jurisdiction), deputies belonging to *Soyuz*, and local government authorities in those areas under non-Latvian control, such as Daugavpils and Rezekne, and, significantly, by the Soviet military.

Media Treatment

Print media loyal to Latvia's parliamentary majority, the Popular Front, largely ignored the referendum, occasionally publishing articles explaining the reasons for the government's non-participation. The central Soviet press, the newspapers of Latvia's pro-Moscow Communist Party, such as *Sovietskaya Latvia* and the local Daugavpils newspaper, campaigned unrelentingly for heavy voter participation and a positive response to the referendum question. Readers were warned that no response or, worse, a "No" response, would lead to chaos and civil war and that an independent Latvia would surely make all non-Latvians second-class citizens or drive them from the country.

Electronic media generally mirrored the print medium. Central television and radio agitated incessantly for support of the Union while Latvian television emphasized that the referendum did not concern Latvia, since the vast majority of Latvian citizens (ethnic Latvians as well as "Russian-language" residents) had voted two weeks earlier for Latvian independence from the Soviet Union. One editor of a local paper in Rezekne, a largely non-Latvian community, reported threats of imprisonment by local Communist Party officials and the local Soviet prosecutor for refusing to run an editorial urging support for the referendum and listing the polling places.

The Voting

Helsinki Commission staff visited both Rezekne and Daugavpils on Thursday, March 14.⁴⁶ Although it was the first day of the four-day voting period and voting had just barely started, it was possible to talk with local election commission officials and to get an explanation of voting procedures. In Rezekne, each polling place had lists of voters from the district in question. Several polling places served double or triple districts, since in a number of places the regular polling place was not available. These unavailable venues were normally institutions such as schools and regional council buildings, where the administration was loyal to the Latvian Parliament and which, accordingly, had refused to participate in what was viewed as a "Soviet" matter. Each polling place had voter lists copied from those used during the March 3 plebiscite on Latvian independence. When asked about would-be voters whose names were not on the list, the election officials replied that such people could vote at one special polling place upon producing identification attesting to their Soviet citizenship.

⁴⁶ RFE/RL reported on March 15 that of the 178 polling places opened on March 14, 129 were located in military units. According to TASS, a total of 322 polling places were eventually established.

The situation in Daugavpils was similar to that in Rezekne, except that election officials there claimed that no one who was not on the election rolls would be able to vote without proving local residency. It should be noted that it was not possible to visit military barracks where different rules for voter eligibility were in force.

In Riga, Latvia's capital, the election situation was probably more easily characterized by its irregularities than by its orthodoxy. Many polling places had no voter lists at all, and those which did accepted any and all comers whether they were on the list or not. The only requirement to vote was some piece of identification showing Soviet citizenship. Such identification actually accepted for voting in Riga ranged from official passports to motor vehicle registration cards. A special polling place was set up on the platform of the Riga train station and announcements were made on incoming trains encouraging every traveller to stop and vote. People who voted at this polling place included people registered in Moscow, Lviv, Leningrad and a number of other cities outside of Latvia. The fact that voters did not have to appear on a list or even prove residency in a voting district, of course, created a situation which begs for abuse. In order to test the system, one newspaper reporter cast five ballots in the space of one hour and even used an Estonian passport with someone else's picture one of those times.

Results

The most recent reports from official Soviet sources on the March 17 referendum indicate that 415,147, or 95 percent of participants in the referendum in Latvia voted "Yes"; four percent voted "No"; and one percent of the ballots were invalid. These results do not include ballots cast at military posts.⁴⁷ Such figures, however, must be viewed with scepticism due to the irregularities mentioned above. Even if the announced results were reasonably accurate, they cannot provide reliable statistics about how people living in Latvia feel about preserving the Soviet Union, since there is no guarantee that those who voted were residents of Latvia.

In sum, a certain number of individuals (no one can be sure how many) voted in the Soviet referendum at polling places in Latvia on March 17. Most of them certainly voted to preserve the Union. But the results do not show anything valid about how the majority of those living in Latvia feel about the Union. Those attitudes are knowable only from the March 3 plebiscite.

⁴⁷ Members of the armed forces stationed in Latvia were not permitted to vote in the March 3 advisory vote on independence.

UKRAINE

Background

The two republic-wide ballot questions in Ukraine, and the third in the more independence-minded regions of western Ukraine, essentially reflected the current political struggle between the center and the republics. They also reflected the attitudes of the people of Ukraine towards the future of the Soviet Union -- whether it should continue as a "renewed federation," (the all-Union question), or as a confederation or commonwealth of sovereign republics (the Ukrainian republic question). Moreover, the referendum shed light on some of the dynamics in the Ukrainian legislature, as illustrated by the debates on whether to have a supplementary question and what form it should take.

Despite initial calls by the Communist Party majority within the Ukrainian parliament (Supreme Soviet) for the referendum to carry only the all-Union question, pressure from the democratic opposition Narodna Rada (National Council) and some moderate communists resulted in a February 13, 1991 decision by a vote of 287-47 to add a specific republic question. On February 27, the Ukrainian parliament (Supreme Soviet) adopted the text for this supplementary question, which, proposed by Ukrainian Supreme Soviet Presidium Chairman Leonid Kravchuk, represented a compromise among the various groupings within the parliament. More importantly, however, it also revealed a split among the communist majority faction, as about one-third of its members joined with the democratic opposition in voting for the proposal set forth by the Presidium, thus breaking ranks with Ukrainian Communist Party leader Stanislav Hurenko. This division between hardline and moderate Communist Party deputies could have a profound impact on the Ukrainian political scene.

The Ukrainian Popular Movement *Rukh*, which advocates state independence for Ukraine, pressed for a more unequivocal republic question on independence, but recognized that the compromise question that was adopted represented "the optimum victory possible in the kind of parliament we have today," according to Oles Shevchenko, a National Council deputy from Kiev.

On February 16, the Galician Assembly, composed of deputies from the three west Ukrainian oblasts of Lviv, Ivano-Frankivsk, and Ternopil, formulated a third question on Ukraine's independence outside the Union. Western Ukraine, which came under Soviet control only during World War II, has been in the forefront of Ukrainian moves towards independence.

The Question and Procedures

Participants in the referendum were given two separate ballots. In addition to the all-Union question, the republic plebiscite asked: "Do you agree that Ukraine should be

part of a Union of Soviet Sovereign Republics on the basis of the declaration on the state sovereignty of Ukraine?"

In the three western oblasts of Lviv, Ivano-Frankivsk and Ternopil, voters were also asked to respond to a third question: "Do you agree that Ukraine should be an independent state, which independently decides its domestic and foreign policies, which guarantees the equal rights of all citizens, regardless of nationality and religion?"

The regulations governing the voting were basically the same as for the 1990 Ukrainian Supreme Soviet elections. The republic was divided into 34,089 voting districts.

Participants and Boycotters

Attitudes towards the all-Union and republic-wide questions were complicated by political as well as regional differences. The Communist Party leadership supported both questions but while it launched a massive propaganda campaign to coax the citizens of Ukraine into voting "Yes" for the Union, communists--especially the hard-liners among them--exhibited far less visible backing and enthusiasm for the republic question.

The democratic opposition was united in its rejection of the all-Union referendum but divided on how to vote on the second question. *Rukh* (with the exception of local committees in some west Ukrainian oblasts) supported the republic question, viewing a positive vote for sovereignty as a step towards independence. *Rukh* and other democratic opposition organizations ultimately endorsed participation in the referendum, consistent with their position on supporting the "parliamentary path to independence."

The Ukrainian Republican Party (formerly, the Ukrainian Helsinki Union) was divided internally on the republic question; some of its members urged a vote against it on the grounds that a favorable vote still meant inclusion in a Union instead of complete independence.

The Ukrainian Inter-Party Assembly, a coalition of mostly small and militant parties, urged a total boycott of the referendum, arguing that a fair vote was impossible while Ukraine still had "a colonial administration and an army of occupation" on its territory.

Observers

Approximately 10,000 of the 34,000 districts in Ukraine had *Rukh* observers at the polls, including *Rukh* representatives on local election commissions. Several trainloads of *Rukh* observers from western Ukraine traveled to polling sites in eastern Ukraine, where the Communist Party apparatus is still entrenched. *Rukh* was also represented on the republic's Central Electoral Commission by its vice-chairman, Oleksander Lavrynovych.

U.S. Consul-General Jon Gundersen, Vice-Consul John Stepanchuk, Canadian Consul-General Nestor Gayowsky, journalists from Ukraine, Great Britain and the United

States and members of the International Management Institute and the Harvard Project on Economic Reform joined Commission staff in visiting seven polling places in Kiev and surrounding villages on March 17. They experienced no problems in gaining access to the polling sites or talking with election officials.

The Campaign and Media

Both proponents and opponents of the all-Union referendum waged an intensive campaign before the voting. On March 1, 1991, at a meeting of Central Committee secretaries of republic Communist Party organizations, the participants unanimously agreed that the referendum "will take place under conditions of the most intense political struggle" and called upon Party organs "to give a decisive rebuff to separatist, nationalist and chauvinist strivings." Indeed, the Party's control over the levers of power, while weaker than it was even a year ago, remains considerable. The Party enjoyed the advantage of abundant resources and overwhelming access to and control of the official media.

Rukh and other democratic organizations staged several large rallies and were able to print several million leaflets calling for a "No" vote on the all-Union ballot and a "Yes" vote on the republic question. Opposition newspapers, especially in western Ukraine, urged votes against the all-Union question. Nevertheless, they were no match for the well-equipped and connected Party apparatus. Democratic opposition access to republic television was virtually non-existent, and a request by *Rukh* for air-time on republic television prior to the referendum was denied. Large banners in Kiev and other Ukrainian cities exhorted citizens to vote "Yes" on the all-Union question, some of them claiming that the disintegration of the Union would lead to further destabilization.

The Voting

In most polling sites visited by Commission staff and other observers in Kiev and surrounding villages, the voting process appeared to be, on the whole, orderly and properly conducted. Some featured elaborate buffets at reasonable prices consisting of some hard-to-find goods. The majority of the polling sites had *Rukh* or Green World observers.

Despite efforts to make the voting process free and fair, observers found some procedural irregularities. The most blatant violation took place in the Darnitsa region of Kiev, where several voters received multiple ballots. Commission staff was told the voters were casting ballots for sick or absent relatives and, according to one local election official, this represented perhaps one percent of total votes cast. Observers, however, noticed a substantially greater number than one percent receiving extra ballots. Furthermore, election officials are supposed to take a special ballot box to the residences of the sick, a procedure which appeared to be practiced in all the other polling stations visited.

Another violation (of decree No. 15 of the Central Election Commission's procedures), apparently limited to Kiev, was that both the all-Union referendum and republic questions were printed on the same color paper. As both ballots were to be

placed in the same ballot box, this was a prescription for confusion, or manipulation, in counting the votes.

There were other allegations of violations, including intimidation, especially in eastern rural areas. Voters in some villages, for example, were reportedly told that fuel supplies would not be forthcoming unless the overall village vote favored the all-Union question. In other villages, there were reports of Communist Party officials intimidating people with the threat that they would know how individuals voted, despite the purported secrecy of the ballot. Also, some invitations to vote, sent by local election boards, urged people "to preserve the Union as a single state."

In Crimea and in some cities in eastern and southern Ukraine, *Rukh* activists were detained by militia organs; thousands of their leaflets were confiscated and not returned until the referendum balloting started. And in Odessa and Mykolayiv in southern Ukraine, confrontations were reported when democratic observers were prevented from monitoring polling places.

Many individuals who spoke to Commission staff complained about the vague and confusing nature of the all-Union question and felt it was designed to elicit a positive response. Others complained of confusion in filling out the ballot properly (i.e., crossing out the answer one did not want), especially since in previous elections, this process had been different.

Results

On March 22, the Central Election Commission for the USSR referendum in Ukraine reported that 31.5 million citizens, or 83.5 percent of those eligible, took part in the voting on March 17. Of these, 22 million, or 70.16 percent, answered "Yes" to the all-Union question and 8.8 million, or 27.99 percent, voted "No." In Kiev, only 44 percent voted "Yes" to the all-Union question. Support for the Union was lowest in the Lviv oblast (16.4 percent).

On the republic question asserting Ukraine's sovereignty, of the 31.5 million, or 83.48 percent of eligible voters who took part, 25.2 million, or 80.17 percent answered "Yes" and 5.6 million, or 17.97 percent, answered "No." In every oblast except for Crimea, the republic question received higher voter endorsement than the all-Union one. Significantly, support for the republic question in oblasts where Russians constitute a majority or near-majority exceeded 80 percent. Chairman of the Ukrainian Supreme Soviet's International Affairs Commission and *Rukh* member Dmytro Pavlychko concluded that Moscow could no longer see the Russian minority in Ukraine as a bastion of support for a Union on Moscow's terms.

On the so-called "Galician question" in west Ukraine, an overwhelming majority of 85 percent voted in favor of an independent Ukrainian state -- 83.3 percent in Lviv oblast,

85 percent in Ternopil oblast, and 87.9 percent in Ivano-Frankivsk oblast. In these three oblasts, less than 20 percent answered "Yes" to the all-Union question, and less than half supported the republic ballot.

Political Implications

The results of the various referendum questions send a seemingly contradictory message. Ukrainian voters supported membership in a renewed Soviet Union, but their affirmative response to the republic ballot indicates that the Union they desire more closely resembles a commonwealth of states. The far-reaching Declaration on Sovereignty of Ukraine, the basis on which the people of Ukraine want to be part of any Union, clearly goes beyond the "renewed federation" envisioned by Gorbachev.

This declaration, adopted by an overwhelming vote of the Ukrainian Supreme Soviet in July 1990, asserted the primacy of Ukraine's legislation over USSR law and established the right of Ukraine to create its own currency and national bank, raise its own army, maintain relations with foreign countries, collect tariffs and erect borders. The declaration also expresses the desire to have Ukraine become a neutral state and rejected the "production, deployment and use of nuclear weapons."

The strong support for Ukrainian sovereignty, notwithstanding the victory of the all-Union question, can serve to strengthen Ukraine's hand in the continuing negotiations with the center over the new Union Treaty, which offers less than the declaration envisions. Issues such as that of property ownership, taxation, structure of government and judiciary and joint powers of Ukraine and the Union remain to be settled.

The victory of the republic plebiscite among most sectors of Ukrainian society also provides a strong mandate for the Ukrainian parliament to implement the declaration's provisions. Given the opposition of not only the center, but of hardline communists in the Ukrainian Supreme Soviet, this will not be an easy task, although the new Ukrainian Constitution will almost certainly delegate significantly more powers to Ukraine than the March 9 draft Union Treaty. The democratic opposition Narodna Rada (National Council) will undoubtedly continue to press for speedier and more concrete implementation of the Declaration's provisions.

Another important political development is the overwhelming support for independence in Galician western Ukraine, where voters narrowly voted down the republic question as insufficiently pro-independence. As voters in most of the republic did not have the opportunity to speak out on independence, it is hard to know their views on this issue. Nevertheless, republic-wide support for independence almost certainly would not have been as high as in Galicia, although, based on recent opinion polls, this question might very well have received a majority vote. Significant differences remain between Galicia and other areas of Ukraine, especially with respect to the pace of political change.

These differences seem to be narrowing but failure to bridge the gap could negatively affect Ukraine's political future.

To be sure, differences in approaches exist regarding the pace of moves towards independence. Nevertheless, there is a national consensus emerging in Ukraine on the need for genuine sovereignty -- on loosening if not completely breaking the bonds of the center.

KAZAKHSTAN

Kazakhstan's authorities originally opposed holding the referendum, seeing it as a central initiative and arguing that it was needed only in those republics where the population was split about leaving the USSR. But under the leadership of Kazakhstan's president Nursultan Nazarbaev, the republic's parliament found an ingenious way to comply with Gorbachev's wishes while asserting its own sovereignty. Kazakhstan was the only Soviet republic to hold the all-Union referendum that did not add its own question but simply altered Gorbachev's preferred wording.

Erik Asanbaev, the Chairman of the Kazakhstan Supreme Soviet, explained to *Pravda* on March 15 that the all-Union question had itself raised many questions and seemed "somewhat ponderous and diffuse" to the republic's legislators. At an extraordinary session of the Supreme Soviet on February 15, 259 of 286 deputies voted to make it "simpler and more comprehensible."

The product of their editing was: "Do you consider it necessary to maintain the USSR as a Union of sovereign states of equal rights"? As for clauses in the all-Union question on "renewing the federation" and the "equality of rights of all peoples," Asanbaev said that these notions were stressed in a number of documents recently signed by Kazakhstan and appeared in the republic's declaration of sovereignty. He did not discuss whether the use of the word "state" (as opposed to "republic") had any particular significance.⁴⁸ Asanbaev concluded that the results of voting in Kazakhstan would be "an organic part" of the outcome of the all-Union balloting.

As confirmation of the basic congruity between the two questions, *Pravda* adduced the opinion to that effect of Vladimir Kudryavtsev, vice-president of the Soviet Academy of Sciences, and Boris Topornin, director of the Academy's Institute of State and Law. They argued that Kazakhstan's question did not contradict the essence of the all-Union

⁴⁸ Boris Yeltsin appears to think so: on March 9, he said "There is a great difference between a republic and a state....it is not just a matter of a name but...a principle, the division of property, the division of functions." FBIS DR March 11, 1991, p. 69.

referendum: the missing words and concepts were integral parts of the Union Treaty, which Kazakhstan's leadership supported, so the two formulations were "reconcilable."

This judgement hardly constituted a ringing endorsement of essential identity between these two questions. In fact, *Pravda's* fairly objective exposition of Kazakhstan's initiative did not accurately reflect the attitude of the central authorities. USSR Supreme Soviet chairman Anatoly Lukyanov told deputies on March 6 that Kazakhstan had insisted on its own wording despite pressure from the Supreme Soviet and instructions to Nazarbaev at a March 6 Federation Council meeting to toe the line.⁴⁹ Nazarbaev himself gave *Komsomolskaya Pravda* on April 13 a more vivid picture, reporting that "Every day either the president himself [Gorbachev] or his aides would telephone" to pressure him about the question.⁵⁰

According to democratic political activists in Alma-Ata, national-demographic considerations in Kazakhstan also influenced the wording of the question. In a republic of 16 million people, about 40 percent of the population is Kazakh, another 40 percent is Russian, the remainder is mixed and the last year has witnessed a deterioration in relations between Russians and Kazakhs, especially over Kazakhstan's language law. So the question, by incorporating both the preservation of the Union and the sovereignty of its constituent "states," was designed to appeal to both Kazakhs and non-Kazakhs.

The same carefully inclusive approach moved Kazakhstan's authorities to seek the approval of public organizations in the republic before proclaiming any intentions of altering the all-Union question. In early March, at the initiative of Nazarbaev, Asanbaev held an unprecedented (and televised) meeting with representatives of Kazakhstan's parties and groups, at which he solicited their support for the planned change. The suggested wording was first published only on March 6. A few days later, the Supreme Soviet and most of the organizations that had participated in the meeting issued a public appeal: "Not wanting the dissolution of our country [and] guided by our sovereignty declaration," they urged voters to answer "Yes" to Kazakhstan's question, which would address the "essence and main aim of the all-Union referendum--the preservation of our common home and will be an important step on the road to signing a Union Treaty."⁵¹

There are indications that these tactics were effective: judging by letters published in the republic press, different groups and nationalities in Kazakhstan saw in the wording

⁴⁹ *Izvestiya*, March 8, 1991.

⁵⁰ FBIS DR Regional Affairs, April 18, 1991, p. 56.

⁵¹ *Soviety Kazakhstana*, March 15, 1991.

whatever they wanted to see and urged everyone to approve it.⁵² For example, CPSU members and veterans organizations proclaimed their dedication to the "socialist choice" and appealed for a "Yes" vote.

A quite different rationale for voting affirmatively appeared in *Gorizont*, a student weekly. Its March 16 editorial defense of the republic's wording observed that the center would see a "Yes" vote on the all-Union question as confirmation of the "socialist choice," which not everyone supported. *Gorizont* criticised the imprecision of the all-Union wording, complained about the unclear relationship between the referendum and the draft Union Treaty, and argued that republics that are sovereign states, as their sovereignty declarations assert, could more logically unite in a confederation than a federation. The editorialist concluded that the all-Union wording was a "conscious effort to maintain at any cost the status quo of the current state structure and in the final analysis, preserve the functions of the center and the scope of its power." Voters were reminded that preservation of the Union is "not a personal cause of Gorbachev, concerned to strengthen his power, but our own vital cause."

Not all cities or regions in Kazakhstan, however, were pleased with the formulation. Some counties and the city council of Ust-Kamenogorsk argued that Kazakhstan's Supreme Soviet was not empowered to modify the all-Union question. Asanbaev acknowledged to *Pravda* that similar sentiments and concerns evidently animated people in Tselinograd and "other cities of the republic" who wrote letters charging that the leadership intended to infringe upon their rights. Asanbaev did not identify the complainants, but they were probably Russians who felt nervous about voting for Kazakhstan as a "sovereign state."

The Voting

Balloting took place from 7 a.m. to 8 p.m. Voters not in their place of permanent residence could show a certificate and be added to supplemental lists. According to the rules, representatives of work collectives and social organizations could observe the procedures.

Members of electoral commissions, people's deputies and agitators at work places and residences got out the vote. Agitators went from door to door, trying to deliver in person the invitations to vote. The March 16 *Vechernyaya Alma-Ata* reported on a polling place where there would be a buffet, a book sale, and artists would perform. Voters who came early would get souvenirs and flowers, as would veterans and youth.

⁵² Apparently, not only in Kazakhstan: one western correspondent described Kazakhstan as "the only republic in the country which looks like having a reasonably straightforward question." Quentin Peel, "Confused Voters will Face More than One Loaded Question," *Financial Times*, March 15, 1991.

On March 17, Commission staffers visited polling places in the Frunze region of Alma-Ata. They observed that ballot boxes were unsealed, so anyone could have deposited inside them large numbers of ballots. The presence of observers would have made such possible chicanery more difficult but in Alma-Ata (and presumably elsewhere in Kazakhstan), there appeared to be weakly developed mechanisms to assure a fair vote and count. Election commissions were not composed of members of different political parties and organizations who could keep a watchful eye on each other. Local political activists ruefully told Commission staff that political life was insufficiently developed in Kazakhstan for such institutionalized safeguards of fair voting practices.⁵³

In the absence of such mechanisms, it is difficult to vouch for the accuracy of the results. Local political activists informed Helsinki Commission staff of a case of ballot stuffing, which was observed and reported on by members of an election commission, who were subsequently called "traitors" at their workplaces for raising a fuss.

Results

According to official sources, 88.2 percent of the almost 10 million eligible voters took part, of whom 94.1 percent voted "Yes." 5 percent voted "No," and 0.9 percent of ballots were invalid.⁵⁴

While the officially announced high turnout and even higher "Yes" vote might sound suspiciously like a "stagnation-era" figure, there is reason to believe that the figures indicate more than an old-fashioned rigged election. The question was designed to elicit the widest possible range of supporters. And while nationality relations are tense in the republic, local opposition spokesmen reported that Nursultan Nazarbaev is widely respected among most of the multi-national population of Kazakhstan. In fact, he has developed a reputation well beyond the republic's borders, having been touted as a candidate for the vice-presidency of the USSR and having traveled to the United States. As he said on election day, voters answering "Yes" to a question that addressed the essence of the all-Union referendum while reflecting Kazakhstan's declaration of sovereignty "at the same time will express their trust in us, the leaders of the republic."⁵⁵

Nevertheless, *Kazakhstanskaya Pravda* on March 19 provided some details--not nearly enough, unfortunately--of resistance to the referendum. For example, residents of the Pri-Ural region did not vote, apparently at the behest of local people's deputies who

⁵³ Republic president Nazarbaev put it differently to *Komsomolskaya Pravda* on April 13: "To this day, the Party's positions are very strong here."

⁵⁴ *Kazakhstanskaya Pravda*, March 19, 1991.

⁵⁵ *Ibid.*

had appealed for a boycott. These boycotters may have been Russian cossacks who have been calling for the secession of their region from Kazakhstan.

On the other hand, the newspaper reported that the voting was successful in Ust-Kamenogorsk, where sharp debates about which wording to use had initially led the city council to back the all-Union question. Eventually, however, local authorities reconsidered this position in the interests of "social harmony in the city," and called upon people to vote "Yes," even though the wording of the republic referendum was "unacceptable." In Tselinograd, where concerns about the republic's question had also been expressed, about 95 percent of those who voted said "Yes."

In sum, the referendum in Kazakhstan did little to bolster Mikhail Gorbachev or his vision of the Union. His attempts to pressure the republic leadership to stick to his wording failed, and the meaning of the question presented to Kazakhstan's voters--like the all-Union question--was in the eye of the beholder. In this sense, it might be argued that Mikhail Gorbachev's all-Union referendum did not take place in Kazakhstan. If necessary, Nazarbaev, who managed to emerge strengthened from a referendum he did not want, could argue this point to Gorbachev (or, should the need arise, to Yeltsin as well). On the other hand, the referendum did bring to the surface national tensions in the republic, which wordsmithing alone will not alleviate, much less eliminate.

III. THE VOTING ELSEWHERE

Helsinki Commission staff did not observe the balloting in the following republics. The data below come from published accounts, which provided more information about some republics than others. In all cases, the results given reflect official Soviet claims, followed by unofficial reports and figures, when available.

ARMENIA

Armenian legislators decided on January 31 to boycott the referendum, claiming that it violated the right of nations to self-determination. They maintained this position despite the importunities of USSR Supreme Soviet chairman Anatoly Lukyanov, to whose telegrams they responded that "you try to save the system which hurt Armenia and Armenians in the past."⁵⁶

⁵⁶ The text of the Armenian reply to Lukyanov was supplied to Helsinki Commission staff by the Armenian Assembly.

Results

Pravda claimed on March 18 that "many" in Armenia nevertheless voted at polling places established by military units. According to information from Armenian sources, Russian construction workers in Armenia's earthquake zone cast ballots.⁵⁷

The Armenian parliament, rather than organize a counter-referendum on independence *a la* the Baltic States and Georgia, has chosen a novel way to leave the USSR: compliance with Soviet law. As provided for in the April 1990 law on secession, Armenia on September 21 will hold a referendum, in which voters will answer the question "Are you in favor of an independent and democratic Armenia outside the USSR?" If the referendum takes place as planned, it would be the first time that a Soviet republic has made what the Kremlin considers a legal effort to secede.

AZERBAIJAN

Opinions on the referendum were sharply divided in the Azerbaijani Supreme Soviet. The Democratic Bloc, which opposes Azerbaijan's signing the Union Treaty, counseled against participating, citing the center's inability to address the Nagorno-Karabakh (NKAO) conflict satisfactorily. Proponents of the referendum, including republic president and Azerbaijani Communist Party leader Ayaz Mutalibov, pointed to the economic effects of weakened links among republics as a convincing reason to hold the vote. They argued that failure to participate could let Moscow play the NKAO card against Azerbaijan, either by introducing presidential rule in the oblast or by restoring local organs of power that might then declare NKAO an independent subject of the Union Treaty.⁵⁸

Nevertheless, on March 7, Azerbaijan's Supreme Soviet voted to hold the referendum. According to a report in *Nezavisimaya Gazeta*, Mutalibov managed to sway the deputies by promising that the republic would under no circumstances sign the Union Treaty unless certain conditions were met. The Democratic Bloc faction reacted bitterly to the decision to hold the referendum; ten of its members began a hunger strike in protest.

⁵⁷ Armenian sources, citing information from Armenian President Ter-Petrosyan, also report that no Armenians in Nagorno-Karabakh took part in the March 17 referendum.

⁵⁸ *Nezavisimaya Gazeta*, March 9, 1991. An interesting sidelight of the debate in the Azerbaijani Supreme Soviet concerns the republic's former leader and CPSU Politburo member, Geidar Aliiev. He has returned to public life after his 1989 "retirement" by winning a seat in the September 1990 Azerbaijani parliamentary elections. In arguing against the referendum and the Union Treaty--he urged the retirement of republic leaders with opposing views--Aliiev joined forces with the Democratic Bloc. Politics make strange bedfellows indeed.

The decision to hold the referendum may help explain the noteworthy appeal by Gorbachev on March 14 to Armenians and Azerbaijanis. In calling upon both peoples to begin a process of reconciliation, he stated that Nagorno-Karabakh is and will remain "an inalienable part of Azerbaijan. Thus has history ruled."

One peculiar aspect of the referendum in Azerbaijan are persistent reports about a second question having been adopted by the Azerbaijani Supreme Soviet. The Azerbaijani Foreign Ministry replied to Helsinki Commission inquiries that the legislature "did not adopt any second question in addition to the all-Union referendum. Moreover such question was not discussed." But Radio Liberty sources, basing themselves on contacts in Azerbaijan, maintain that there was, in fact, a second question put to voters in Azerbaijan. As of late April, it has not been possible to confirm either contention.

Results

According to TASS, turnout was 74.9 percent and 92 percent voted "Yes." But *Russkaya Mysl* of March 22 cites claims by Azerbaijani Popular Front (APF) representatives of low public involvement and only 20-25 percent turnout, as well as many irregularities. They charged further that APF observers were kicked out of polling places or detained by the authorities.

BELORUSSIA

Belorussia's conservative-dominated Supreme Soviet held the referendum exactly as Mikhail Gorbachev wanted. The most influential opposition group in the republic, the Belorussian Popular Front, urged voters to go to the polls and vote "No."

Results

TASS reported that 83 percent of eligible voters cast ballots and about the same percentage voted affirmatively. Unofficial sources reported irregularities: Popular Front leader Zyanon Paznyak told RFE/RL on March 19 that a Popular Front poll watcher was beaten up and kicked out of a polling place in Minsk. RFE/RL also reported accounts by a free-lance journalist in Minsk about a variety of irregularities.

ESTONIA

Like Lithuania and Latvia, the Estonian authorities ignored the referendum, so central bureaucracies provided assistance in organizing the voting. About 80 polling places opened in Tallinn, guarded by "workers militias," and in northeastern cities (Kotla-Jarva, Narva and Sillamae). Polling places also operated in other cities where Russian-speakers

were concentrated, such as Tartu, Valga and Pernu. There were reports that people from Leningrad oblast were bused to Narva to vote.⁵⁹

Results

Some 250,000 people voted for the Union in Estonia, according to official sources. There were many reports of fraud; several journalists said they had voted many times.

On March 12, the Estonian Supreme Council announced that the results of the referendum do not commit the parliament or government of the Estonian Republic to participate in talks on the Union Treaty or to join the Union Treaty in any form.⁶⁰

GEORGIA

Georgia's parliament decided on January 30 to boycott the referendum. On March 5, the parliament's chairman, Zviad Gamsakhurdia, repeated the boycott call in a television broadcast to the non-Georgian population, warning that only those who vote for Georgian independence would get Georgian citizenship and land.⁶¹

Results

Nevertheless, TASS reported that about 50,000 people voted in south Ossetia, with a south Ossetian spokesman claiming that only 9 people had voted "No."⁶² Voting also took place in Abkhazia, where apparently the entire non-Georgian population voted.⁶³ According to *Pravda*, 245 polling places opened in the Abkhazian capital of Sukhumi. In Abkhazia as a whole, 52.4 percent took part and 98.4 percent voted "Yes."

The Georgian parliament annulled on April 7 the results of the March 17 referendum and noted "blatant violations" of voting procedures. A Swiss observer in Abkhazia confirmed that irregularities had taken place.⁶⁴

⁵⁹ *Russkaya Mysl*, March 22, 1991.

⁶⁰ FBIS DR March 12, 1991, p. 70.

⁶¹ See below, p. 40.

⁶² *Izvestiya*, March 19, 1991.

⁶³ RFE/RL DR March 18, 1991.

⁶⁴ FBIS DR Supplement, Regional Affairs, April 2, 1991, p. 47.

KYRGYZSTAN (KIRGIZIA)

The opposition movement *Kyrgyzstan* on February 23 came out against participation in the referendum, but the republic's authorities gave every sign of complying fully with the rules of the all-Union referendum. In fact, so late did they decide to add a question (March 10) that most printed accounts listed Kyrgystan as one of four republics to hold the referendum as Gorbachev wished. Apparently, republic leaders eventually chose to take account of opposition movements and offer them a compromise.

The supplementary question was: "Do you agree that the Republic of Kyrgyzstan should be in the renewed Union as a sovereign republic (state) with equal rights?"

Results

According to TASS, turnout was almost 93 percent and over 94 percent of participants voted "Yes" on the all-Union question. Information on the response to the second question has not been available.

LITHUANIA

Lithuanian authorities refused to hold the all-Union referendum, so balloting took place on the basis of the February 25 USSR Supreme Soviet resolution empowering local soviets, enterprises and military units to organize voting, which began on March 14. The central Soviet media bemoaned the plight of those wishing to take part, charging that President Landsbergis had threatened them with criminal prosecution.⁶⁵ A March 15 *Pravda* article titled "In Conditions of Moral Terror" reported that Lithuanians were barring entry to polling places, that ruffians were prepared to disrupt the voting and that would-be voters had been warned they would lose their jobs. A group of USSR Supreme Soviet deputies traveled to Lithuania to observe the proceedings. Post-referendum reports in the Soviet media stressed that far more people would have voted had they not feared to do so.

Russkaya Mysl reported that the soviets of Vilnius and Salcininkai counties (where many Poles live) decided to hold the referendum. Lithuania's Supreme Council annulled their decision on March 12, but Moscow delivered about 2.5 million ballots to Vilnius on the same day.

Results

According to TASS, 652,000 people participated, of whom 96.7 percent voted "Yes." Lithuanian Communist Party sources reported that about 100,000 people had voted at military bases.

⁶⁵ *Pravda*, March 19, 1991.

MOLDOVA

On February 19, the Moldovan parliament decided not to hold the all-Union referendum. Local governing councils in the Gagauz-populated southern regions and on the left bank of the Dniester river--populated largely by non-Moldavans--thereupon passed opposing resolutions; the cities of Bendery, Beltsy and Tiraspol, Moldavia's second largest city (with a mostly Russian population) held the referendum.

If many people came to vote, however, indications are that many of them may have voted many times. It was widely reported that there were no voter lists in polling places opened in all-Union enterprises and military units, voters' documents were not checked and no one monitored the activity of the electoral commissions. A commander of the Soviet military base in Kishinev acknowledged that voters were not checked against a central list and their identification papers were not marked after they voted. "I intend to declare that the results will be inaccurate," he told a western correspondent.⁶⁶

In Moldovan areas of the republic, including the capital, Kishinev, central authorities aided local pro-Union organizations that attempted to organize voting at 50 polling places that opened on March 14. These efforts did not go smoothly. *Pravda* charged on March 19 that Moldovan nationalists blocked the roads to nine polling places in military units and beat up World War II veterans trying to vote for the Union. Western reports corroborated accounts of clashes between would-be voters and local activists, aided or abetted by Moldovan policemen, who blockaded the polling places.⁶⁷ Nevertheless, Moldovan leaders at a March 19 press conference rejected charges about the prevalence of physical intimidation against would-be voters and asserted that those few instances that had occurred were under investigation.

Results

Official Soviet sources say over 800,000 people voted, of whom, presumably, the great majority voted affirmatively. Moldova's President Snegur pointed out that even if the figure was accurate, it amounted to only 28 percent of the republic's registered voters.

TAJIKISTAN

Calls by leaders of the Democratic Party and *Rastokhez*, the Popular Front organization, for a boycott of the referendum were unavailing. Republic authorities held the referendum Mikhail Gorbachev wanted.

⁶⁶ Dan Petreanu (AP), "Moldavians Block Many Polling Spots," *Washington Times*, March 18, 1991.

⁶⁷ See *Russkaya Mysl*, March 22, 1991.

Results

TASS reported that 94 percent of eligible voters took part and that 96 percent of them voted "Yes." Opposition groups claimed that voters were bribed on March 17 with hard-to-get goods at polling places, like shoes. A western correspondent in Tajikistan reported, however, that such inducements--or vote-rigging--were not really necessary. Most people, including the opposition groups, envision Tajikistan's future within the Union, which, a Democratic Party leader hoped, would become "an EC-style federation."⁶⁸

TURKMENISTAN

Saparmurad Niyazov, president of Turkmenistan, said he initially opposed a referendum, considering the possible effect on voting results of widespread discontent caused by food shortages and the general economic decline. *Agzybirlik*, the popular front group, called for a boycott. Nevertheless, Turkmenistan did hold the referendum along all-Union lines.

Results

Turnout was 97.7 percent, according to TASS, and about the same percentage of voters cast affirmative ballots.

UZBEKISTAN

Uzbekistan's president Islam Karimov said on Soviet television March 9 that he had opposed a Union-wide referendum in Uzbekistan, since it was clear that the absolute majority of people wanted the republic to remain part of the Union. Furthermore, he felt, the wording was equivocal, and contained more than one question.⁶⁹ Uzbekistan's Popular Front group, *Birlik*, agreed: according to a February 18 RFE/RL report, the group called for a boycott of the referendum, citing the question's imprecision and doubts that the human rights guaranteed in it would be honored.

On February 21, Uzbekistan's Supreme Soviet decided to add another question, worded as follows: "Do you agree that Uzbekistan should remain part of a renewed Union (federation) as a sovereign republic with equal rights?"

Results

Pravda Vostoka reported on March 21 that 93.7 percent of those who voted answered the all-Union question affirmatively. But according to *Birlik* spokesmen, turnout did not exceed 40 percent and most participants were Russian-speakers employed in

⁶⁸ Jo Carley, "Shoppers Vote with their Feet in Remote Tajikistan," *Financial Times*, March 18, 1991.

⁶⁹ FBIS DR March 11, 1991. pp. 84-85.

enterprises subordinated to all-Union ministries. *Birlik* observers alleged numerous irregularities, from selling deficit goods at polling places to handing out many ballots to voters.⁷⁰

As for Uzbekistan's second question, according to *Pravda Vostoka*, 93.9 percent of voters said "Yes."

IV. OFFICIAL UNION-WIDE RESULTS OF THE MARCH 17 VOTING

Vladimir Orlov, Chairman of the USSR Central Referendum Commission, on March 25 announced that 185,647,355 citizens had been entitled to vote. 148,574,606 did so, a total of 80 percent. Of these, 113,519,812 people, or 76.4 percent, answered "Yes." 32,303,977 people, or 21.7 percent, voted "No." 2,757,817 ballots, (1.9 percent), were declared invalid.⁷¹ Orlov, like most other Soviet officials, had little or nothing to say about the results of balloting on any question other than the all-Union formulation.

Gorbachev's referendum fared poorly in the USSR's biggest cities: only 50.02 percent of those who voted in Moscow said "Yes"; the corresponding figure in Leningrad was 50 percent. Kiev, Sverdlovsk and Sverdlovsk oblast (Boris Yeltsin's home region) registered affirmative results under 50 percent.

Interestingly, the final figures coincided to a remarkable degree with the results of a poll conducted, apparently in early February, by the CPSU Central Committee's Nationalities Policy Department. That survey predicted about 80 percent participation, countrywide, and that three-quarters of the participants would answer in the affirmative.⁷²

V. "COUNTER-REFERENDUM II" -- GEORGIA

Background

On January 30, the Georgian parliament decided not to hold the all-Union referendum and organized its own independence plebiscite, scheduled to coincide with municipal elections on March 31, 1991. The question put to voters read: "Do you agree that the state independence of Georgia should be restored on the basis of the independence act of May 26, 1918?" The Soviet government responded to Georgia's referendum as it had reacted to the plebiscites in the Baltic States, labeling it an opinion poll with no standing in law.

⁷⁰ *Russkaya Mysl*, March 22, 1991.

⁷¹ FBIS DR March 26, 1991, p. 33.

⁷² FBIS DR February 7, 1991, p. 26.

But while there are parallels between the situation in Georgia and the Baltic States, the differences are even greater. In both cases, there are problems arising from ethnic diversity and diverging views on how best to achieve political independence, but the political context in which Georgia's referendum took place was much more conflict-ridden and violent.

Georgia's domestic politics revolve around the longstanding confrontation between the ruling coalition "Round Table" headed by Zviad Gamsakhurdia and the National Congress, whose best known leader, Gia Chanturia, is Gamsakhurdia's arch-rival. Attempts to reconcile the two groups have failed, primarily because of the deep mutual hostility between the two leaders,⁷³ and the clash between their heavily armed supporters has been bloody. Georgia's parliament has subsumed its own paramilitary groups into the Republic Militia, but has declared all other armed units illegal and has arrested the leadership of the major group, "Mkhedrioni," which supports the National Congress.

Far bloodier, however, has been the conflict between Georgia's authorities and South Ossetia, which wants to remain part of the Union and would, ideally, like to unite with North Ossetia, located across the Georgia-RSFSR border. Since December 1990, when the Georgian authorities abolished South Ossetia's autonomy, a shooting war has been in progress. Further complicating the situation is the involvement of Soviet military and Internal Affairs troops, which, Georgian officials claim, are supplying the Ossetians with arms, including surface-to-surface missiles.

After the nationalists' victory in the October 1990 Georgian parliamentary elections, the new Georgian legislature declared a transition period to independence. Georgian leaders have described the conflict with south Ossetia to be largely a product of Kremlin provocations to prevent Georgia from gaining its freedom.⁷⁴ As the conflict has intensified, so has the government's tendency to view opposition movements inside Georgia as treason and outside criticism of its policies in Ossetia as witting or unwitting complicity in anti-Georgian conspiracies. Consequently, Georgia's March 31 referendum took place in a troubled atmosphere.

The Voting

TASS reported on March 23 that voting had begun in the Georgian referendum for those who would not be able to vote on March 31. The mechanics of voting in the

⁷³ Both have accused each other of being KGB agents. In a March 5 television address, Gamsakhurdia said "this is not an opposition but Moscow's agents in Georgia. I state this with full responsibility." Later on in his speech, Gamsakhurdia said that "members of the so-called opposition...we profoundly believe...will quite soon be called to account before Georgia and the Georgian people." FBIS DR Supplement, Regional Affairs, April 2, 1991, p. 33.

⁷⁴ Ibid.

referendum were organized much as they had been for Georgia's October 1990 parliamentary elections, and great care was taken to ensure that the balloting was properly administered. The Central Election Commission was composed of representatives of the 40 parties participating in the municipal elections; the same diversity characterized the local electoral commissions, which actually oversaw activities at the polling places. Polls were open from 7 a.m. to 10 p.m. Election officials worked out elaborate procedures to allow voters outside their residential districts on election day to vote elsewhere or to vote early and to remove their names from local rolls to protect against double voting. Ballots were prepared in eight languages, and, when observers checked at the polls, there were, indeed, ballots available in the needed language(s) for that locality. Very detailed voting lists had been prepared as well, and these were scrupulously checked during the actual balloting. In sum, the Georgian electoral officials did everything possible to observe all the formalities of a well run, secret ballot.

Observers

The Georgian government, through the Central Electoral Commission, invited over 40 independent international observers to monitor the voting process throughout the republic. The observers represented nine foreign countries and eight other republics, formally still a part of the Soviet Union. Election officials made every effort to enable observers to travel anywhere they wished, so that voting throughout the whole of Georgia could be observed. In fact, there were observers in virtually every important region except for the city of Tskhinvali--the capital of South Ossetia--where fighting was going on and the city commandant refused access to outsiders.

Observers traveled from polling place to polling place on election day, and most stayed for the opening of the ballot box and the counting in at least one location. On the following afternoon, when those who had travelled to the more remote areas of Georgia had returned to Tbilisi, the observers met and discussed what they had seen. There was virtual unanimity of opinion that the election had been run very properly, with scrupulous adherence to international norms, and that the Central Electoral Commission and local commissions had done a truly laudable job of conducting the balloting and tallying.

Results

On the evening of April 1, officials announced preliminary results of the voting on the independence referendum (results of the municipal elections would take much longer to compile). Not surprisingly, the outcome was overwhelmingly pro-independence. The actual figures, however, were surprisingly high: of nearly 3.5 million eligible voters, turnout was over 90 percent. Of those who voted, 99 percent had voted for independence.

As for Georgia's hot spots, in South Ossetia, the referendum was boycotted in the districts of Tskhinvali, Dzhava and Kornis. Turnout on March 31 in Abkhazia was reportedly 60 percent, with 97 percent of voters backing independence: the figures, as an

RFE/RL analyst pointed out, are hard to square with the March 17 results, when 52.4 percent took part and 98.4 percent voted to preserve the Union.⁷⁵

Conclusions

If the mechanics of the vote were irreproachable, observers nonetheless felt uncomfortable about the context of the Georgian referendum. They wondered whether the atmosphere surrounding the exercise contributed to the (abnormally) high turnout and the (equally abnormally) high positive result. No one doubted that practically all Georgians and many non-Georgian residents of the republic want independence from the Soviet Union. But many felt that the government, largely in the person of the Chairman of the Parliament Zviad Gamsakhurdia, had created an extremely threatening atmosphere by warning what would happen to those, especially non-Georgians, who either did not participate or did not support independence.

Speaking on Georgian television on March 5, Gamsakhurdia said:

our referendum is directly connected with questions of ownership of the land and citizenship....the referendum is essential...not only for Georgians but also people of different nationalities...People who embarked together with us on the path of Georgia's independence will acquire citizenship, given, of course, compliance with elementary conditions which we will set them. So let no one prior to the referendum think of possessing Georgian land without citizenship status.⁷⁶

Under the circumstances, it seems reasonable to conclude that many non-Georgians who participated and voted affirmatively did so under constraint.

After the referendum, Georgia's parliament declared the republic's independence from the Soviet Union. On April 15, deputies created the position of President of Georgia and elected Zviad Gamsakhurdia to fill that post until popular elections are held on May 26, 1991. His election--a virtual certainty--would enhance his mandate to pursue full independence for Georgia. How it will affect the status of Gamsakhurdia's political opponents and non-Georgians in the republic, as the law on citizenship emerges from the legislature, is unclear.

⁷⁵ Elizabeth Fuller, "How Wholehearted is Support in Georgia for Independence?" *Report on the USSR*, Volume 3, Number 15, April 12, 1991, p. 20.

⁷⁶ FBIS DR Supplement, Regional Affairs, April 2, 1991, p. 34.

VI. SIGNIFICANCE OF THE MARCH 17 REFERENDUM

General Remarks

Considering how much time, effort, money, hoopla, vitriol and panic-mongering went into the first referendum in Soviet history, its actual significance appears small. As various analysts had predicted, it resolved no problems and produced no clear answers to any questions.⁷⁷ In fact, it would even be difficult to argue that the referendum and its outcome have appreciably heightened tensions in the USSR. The most remarkable thing about the exercise, one month after its completion, is how little attention it now receives. The first referendum in Soviet history produced plebiscitary paralysis, and the standoff between the center and the republics continues.

Victory for the Union?

Central Soviet media naturally portrayed the outcome as a solid victory for the Union. But if 80 percent of eligible voters turned out, and 76 percent of them said "Yes," then, as Anatoly Lukyanov told Soviet television viewers on March 21, [only] 58.3 percent of eligible voters in the Soviet Union had voted for the Union--a disappointing figure, even conceding the accuracy and fairness of the vote. Lukyanov put the best face on the outcome, describing it as "especially important considering that the voting had taken place during such an unstable time."⁷⁸ But pessimists would see the glass as half empty: it would be just as natural to focus on how many Soviet citizens stayed home or voted against whatever they thought Mikhail Gorbachev was asking them to back.

Gorbachev's Position

Gorbachev himself badly needed a victory in the referendum, given the disastrous domestic situation and his need to shore up foreign support. Aware of his plummeting popularity, Soviet officials before March 17 consistently tried to distinguish between Gorbachev the politician and the Union he was trying to save. For instance, Anatoly Lukyanov assailed attempts to substitute for the subject of the referendum "the subject of confidence in...the president....And I can only describe this as an unscrupulous political and propaganda trick pursuing quite specific goals."⁷⁹

Nevertheless, Lukyanov on March 21 said on Soviet television "it is not only the idea of preserving the Union that has been supported...the line that was pursued by the country's leadership has also been supported" and he specified the USSR Congress of

⁷⁷ See, for example, Ann Sheehy, "Referendum on Preservation of the Union," *Report on the USSR*, Volume 3, Number 7, February 15, 1991, p. 5.

⁷⁸ FBIS DR March 22, 1991, p. 23. Given the underwhelming numerical show of support, Lukyanov's subsequent expression of gratitude to "each and every Soviet citizen" who voted "Yes" sounds truly heartfelt.

⁷⁹ FBIS DR March 19, 1991, p. 28.

People's Deputies, the Supreme Soviet and President Gorbachev.⁸⁰ This effort to link Gorbachev personally with a putatively successful referendum, while perhaps not surprising, is unlikely to produce any tangible or even atmospheric gains for the Soviet president. Considering that he was hoping to gain a public mandate for the kind of Union he envisions and a weapon against republic legislatures, he came away with little. In fact, Gorbachev's stature could hardly have risen by virtue of his association with the referendum initiative--another failed policy.

More important, the impending election of a president of the RSFSR, which will almost certainly generate pressure for presidential elections in other republics, will weaken Gorbachev's position further. Republic presidents, as opposed to chairmen of legislatures, which is what most "presidents" of Soviet republics are today, will probably feel emboldened to pursue republic priorities with greater vigor. At the same time, the difference between elected republic presidents--especially if they win a popular vote, rather than a majority of ballots in their legislatures--will highlight even more Mikhail Gorbachev's reluctance to put his candidacy before the public. A victory by Yeltsin in a popular election as RSFSR president would allow him to question openly Gorbachev's legitimacy. And other heads of republics that added a question on March 17 can also emphasize in their negotiations with the center the strong support among their constituents for real sovereignty.

Prospects for Consolidation?

Gorbachev on March 15 promised voters that "A positive outcome of the referendum would lay the basis for the consolidation of society." If anything, however, the referendum did just the opposite. It laid bare the conflicts between center and republics, between republics and their constituent parts, between different nationalities inhabiting those regions and between political movements already inclined to view their differences in Manichean terms.

If nothing else, the experience of the referendum probably has discredited this tool of gauging public opinion, at least on the all-Union level. It is difficult to imagine that the all-Union referendum on private property approved in December 1990 by the Congress of People's Deputies will take place.

On the tactical plane, the referendum showed that a policy by the Soviet leadership of manipulation, as opposed to working out differences with the republics, is fruitless. It seems incontrovertible in the referendum's aftermath that there is no tactic the center can devise that republics will not exploit for their own purposes. Without a single source of consensually recognized authority, each party to the conflict can pass laws, withhold money

⁸⁰ FBIS DR March 22, 1991, p. 24. Yet he immediately went on to characterize the motives of "forces that wanted to link the results to one personality or another, to one policy or another" as "not entirely altruistic."

from the other, organize appeals to public opinion, and trumpet its justification to do so. Yet if legislation is ignored, manipulation and cooptation fail, negotiation is half-hearted and concessions are not forthcoming, what remains but coercion? In this sphere, the center, at least on paper, has the advantage; is it willing to use it?

Mandate for Force?

The CPSU and the USSR Supreme Soviet used the referendum's outcome to call for discipline. As the Politburo put it, the vote supplied a mandate to "act resolutely and consistently," and "by lawful means to strengthen order, tighten discipline...and stabilize the situation."⁸¹ Many Supreme Soviet deputies agreed; one called on Gorbachev to take resolute action or resign.⁸² The Supreme Soviet's resolution on March 21 instructed state organs of the USSR and republics to be "guided by the people's decision" for a renewed USSR and urged the quickest possible completion of the Union Treaty while accelerating work on a new USSR constitution. In a show of bravado, the Soviet parliament told the USSR Constitutional Oversight Committee to rule on the actions of republics that refused to hold the referendum and ordered the procurator general to investigate violations of citizens' constitutional rights that had occurred.⁸³

Despite these ominous rumblings, the Baltic Council on April 13 declared that since the Baltic States are not part of the USSR, the referendum "has no legal effect on the Baltic States and can in no way justify the use of pressure or force against Estonia, Latvia and Lithuania by the USSR authorities." Armenia, Georgia and Moldova also show no willingness to take either the referendum or the Union Treaty into account.

As of late April, although there are indications that intensified economic pressure against the uncooperative republics may be forthcoming, in the form of exclusion from favorable trade agreements, the center has made no serious effort to impose "discipline and order" on the republics. And it is hardly conceivable that the USSR Procurator General will bring up on charges leaders of republics that refused to hold the referendum, as the law provides.⁸⁴ If the center opts to use force against the republics, the March 17 referendum, its results, or violations of its prescribed procedures will not be the deciding factor, or probably even the justification.

⁸¹ FBIS DR April 1, 1991, p. 43.

⁸² FBIS DR March 26, 1991, pp. 29-30.

⁸³ FBIS DR March 22, 1991, pp. 19-20.

⁸⁴ Soviet government spokesmen have singled out Moldova's leaders for particularly flagrant violations of the referendum law. Theoretically, anyone found guilty of trying to prevent the referendum from taking place could be sentenced to five years in jail.

The Referendum and the Union Treaty

Referring in a post-referendum television interview to the publication of the new version of the Union Treaty, Gorbachev said that by allowing Soviet citizens to "see the shape of the future Union, then they, as it were, by voting for and positively supporting and speaking in favor of preserving the Union had already approved this draft Union Treaty." The republic Supreme Soviets now had the draft, which had basically been approved by the referendum, and he thought it could be signed by April or May. As for Boris Yeltsin, Gorbachev observed that "the people came out in favor" of preserving the Union as a federation. "The leaders of Russia should bow to this and should proceed from this, from this political reality..."⁸⁵

But the future of the Union Treaty in its mid-March 1991 incarnation is very much in doubt. Equally dubious are Gorbachev's assertions that all parties have approved the basics of the document except for some points of disagreement over matters like representation by the RSFSR's autonomous republics and oblasts.

Even if this were the only outstanding issue, it is anything but minor. Sergey Shakhrai, the Chairman of the Legislation Committee of the RSFSR Supreme Soviet has singled out the provision allowing republics to sign the Treaty "directly or as part of other republics" as a poisoned apple. If approved, it would give any of the RSFSR's 16 autonomous republics the possibility of "unilaterally seceding. We are talking about more than 50 percent of the territory of the Russian Federation."⁸⁶ And even if matters never got that far, as the March 9 issue of *Nezavisimaya Gazeta* foresaw, "Russia would be placed in danger of permanent blackmail of an autonomous formation gaining a 'higher' status," which both the formations themselves and the center would not fail to exploit.

This issue had caused numerous problems during the negotiations before publication of the draft, with TASS reporting on February 27 that Uzbekistan, Tajikistan and Kazakhstan were insisting that if the RSFSR's autonomous formations remain part of the RSFSR that they should not be parties to the Treaty. The concern of the Central Asian republics, naturally, is being overwhelmed by many new republics with full voting rights.

This disagreement over substance soon spilled over into style, as an unseemly dispute erupted over whether Yeltsin and his first deputy, Ruslan Khasbulatov, had signed the draft. Yeltsin and Khasbulatov issued heated denials; Soviet officials, backed up by Vladimir Isakov and Ramazan Abdulatipov, chairmen of the two chambers of the RSFSR Supreme Soviet, asserted that Khasbulatov had signed, with Yeltsin's full approval. In any

⁸⁵ FBIS DR March 28, 1991, pp. 13-15.

⁸⁶ FBIS DR Supplement, "17 March Referendums," March 20, 1991, p. 47.

case, Yeltsin has rejected the draft, which he said, was "thrust on us," adding "there is a great deal with which we do not agree."⁸⁷

Nor is the RSFSR the only republic whose leaders have voiced dissatisfaction with the draft. Kazakhstan's Nazarbaev complained about "lip service [having] been paid to Kazakhstan's specific proposals."⁸⁸ Azerbaijan's Mutalibov griped to *Izvestiya* on March 6: "Surely it is not normal for a central department to suggest to us that we lease from it natural resources in the republic, as happened recently..." Leaders of Ukraine, who decided last year not to sign the Treaty before adopting a new republic constitution, want to cut back the center's prerogatives. Chairman of the parliament Leonid Kravchuk is willing to cede defense, space, nuclear power, major scientific-technical problems and some other spheres, with all other tasks left to republic jurisdiction.⁸⁹

The Central Asian republics, whose leaders declare they back a quick ratification of the Treaty, have also voiced grievances and concerns. Uzbekistan's president Islam Karimov has said that the "renewed Union" for which people voted, has no place for the economic *dikat* of Moscow.⁹⁰ Kirgiz president Askar Akaev opposes giving the Union primacy over republics, and argued that granting supreme executive power to the USSR president violates his role as coordinator of policy among parts of the Union.⁹¹ Even deputies in Turkmenistan, which approved the draft on March 25, have suggested "some additions that would give more right to citizens of the federation."⁹²

As if Gorbachev did not have enough problems with "enemies on the left," i.e., those who see the draft Union Treaty as too restrictive, his "enemies on the right" also opposed his vision of the "renewed Union." TASS on April 10 reported that leaders of the hardline pro-Union *Soyuz* faction of the USSR Supreme Soviet met on April 8 with Gorbachev and criticized the latest draft for giving too much power to the republics.⁹³

⁸⁷ FBIS DR March 11, 1991, p. 69.

⁸⁸ FBIS DR Supplement, March 20, 1991, p. 72.

⁸⁹ FBIS DR March 13, 1991, p. 83.

⁹⁰ RFE/RL DR April 17, 1991.

⁹¹ Ibid.

⁹² RFE/RL DR March 26, 1991,

⁹³ RFE/RL DR April 11, 1991.

Prospects for the Union Treaty

During his trip to Japan in mid-April, Gorbachev indicated that he was leaning towards signing a Treaty with the nine republics that had expressed their willingness to do so, leaving out the Baltic States, Moldova, Armenia and Georgia. His April 24 "pact" with nine republics clarified the situation somewhat, but on the other hand, it was never seriously in question that those nine republics wished to remain in the Union. What *kind* of Union is another matter, and it is clear that tough bargaining lies ahead. The republics will continue to insist on their sovereignty, and disputes over where the line between "sovereignty" ends and "unconstitutional insubordination" begins will remain a matter of opinion, contention, and, possibly, litigation, if not coercion.

In other words, the basic features of the topography of Soviet politics after the referendum were the same as before. Last December, Kazakhstan's president Nazarbaev said "unfortunately, it is a system that does not want to yield one iota of authority." The center's efforts to preserve that authority began with legislation. That having failed, it turned to manipulation, which has now also failed. If the March 17 referendum and its outcome now promote a willingness on the part of the center to proceed to negotiation, it will have served a higher purpose than its initiators intended.

**REPORT ON THE
ARMENIAN REFERENDUM ON INDEPENDENCE**

SEPTEMBER 21, 1991

Yerevan, Artashat and adjacent villages

October 1, 1991

SUMMARY

On September 21, 1991, Armenia held the first referendum in its 4,000- year history. The reason was as momentous as the occasion was unique: a "yes" or "no" vote on independence from the USSR. Along with scores of observers from Soviet republics and foreign countries, Helsinki Commission staff monitored the balloting, in which, according to official Armenian sources, 95 percent of eligible voters participated and 99 percent of them voted "yes" (94 percent of total eligible voters).

Armenia is the only Soviet republic that is seeking its independence in conformity with the Soviet law on secession, which currently involves a series of referenda over five years and protracted negotiations with central authorities. The overwhelming result on September 21 provided what Armenia's leadership sees as the legal basis for a declaration of independence, which the parliament issued unanimously on September 23. Armenia has now taken its initial step toward independence, even if the process of obtaining full independence may still take several years. At this writing, the Armenian government is waiting to enter into serious, good faith negotiations with the Central Government in Moscow regarding financial claims by both sides.

BACKGROUND

Armenia's May 1990 parliamentary elections brought to power a non-Communist government headed by Levon Ter-Petrosyan, chairman of the Armenian Pan-National Movement. In August 1990, the newly elected parliament declared a transition to independence. After Mikhail Gorbachev, in December 1990, called for a referendum (which ultimately took place on March 17, 1991) on maintaining the USSR as a federative state, Armenia on March 1 rejected participation and opted instead to hold its own referendum on full independence from the USSR on September 21, 1991.

The Baltic States, Georgia and Moldova also refused to participate in Gorbachev's referendum, but only Armenia based its boycott of that exercise on its stated intention to exit the USSR in accordance with Soviet law. The April 1990 law on secession requires a two thirds "yes" vote in the first of several referenda, and posed no serious problem for Armenia, which is over 90 percent Armenian (unlike other republics, many of which have large national minorities). Some political groups in Armenia rejected the idea of acting in compliance with Soviet law, but the Ter-Petrosyan government saw that course as its only feasible and practical political option. Ultimately, virtual unanimity was achieved

among Armenia's political parties about the need for independence and corresponding support for a "yes" vote in the referendum. Only Communists had previously expressed grave doubts about pursuing full independence, and Armenia's Communist Party dissolved itself after the failure of the putsch.

On September 20, the head of the Central Commission on the referendum held a press conference at which he explained that while the Soviet law on secession requires a two thirds "yes" vote in the first referendum, Armenia's law on referendums calls for a positive vote by 50 percent plus one of participants for a proposed measure to pass. Asked which law Armenia was following, he said Armenia was complying with both laws.

OBSERVERS

Armenia's parliament invited a large corps of international election observers to monitor the voting and vote-count. When the invitation was issued, Armenia's leadership had reason to fear interference from the center and to desire the presence of foreign observers as a hedge against violence, as well as to vouch for the results before the international community. The Baltic States' campaign to restore their independence has evoked a series of assaults in 1991 by Soviet Internal Affairs forces, and Armenia has witnessed the direct involvement of Soviet army troops in military actions against Armenian villages in and around Nagorno-Karabakh since the end of April. But by the time Armenia's referendum took place, the political situation in the USSR had changed drastically; the failure of the August 1991 putsch brought down the Soviet Government and led most republics to declare independence. With conservative central institutions disbanded or paralyzed, Armenia's vote on independence went forth in a festive, almost carefree atmosphere.

Armenia's Central Commission on the Referendum, headed by Vice-Chairman of the parliament, Babken Ararktsyan, asked observers to select any city or region of the republic to observe the voting, and provided them with transportation. Helsinki Commission staff, accompanied by representatives of the U.S. Embassy in Moscow and three Washington-based non-governmental organizations, traveled from the capital city of Yerevan to the city of Artashat, a medium-sized town about 30 kilometers from Yerevan, in the general direction of Ararat, stopping along the way in a number of villages.

At each stop, the observers were met by joyous villagers who welcomed them with traditional bread and salt, as well as songs and dances (sometimes performed by children in native costumes). In two places, the villagers slaughtered a sheep for a feast that was already in high gear, for which the observers were eagerly urged to stay. After the first stop, the group picked up an Armenian "escort," in the person of the head of the regional council, and the number of escorts grew as the day wore on.

VOTING RULES

The question on the referendum ballot was: "Do you agree that the Republic of Armenia should be an independent and democratic republic outside the USSR?" Polls were open from 7 a.m. to 11 p.m. Residents of the Armenian republic over 18 years of age were eligible to vote, after showing their internal passport or some other form of identification. If voters did not have an appropriate form of identification, members of the polling commission vouched for them--Commission staff was informed that in small villages, all the inhabitants are known to each other. After their names were checked off a list of eligible voters, they were given a ballot by the volunteers in the local election commission, whose membership included representatives of Armenia's various political parties (in one village visited by Helsinki Commission staff, the local electoral commission had a member of the Communist Party). Voters then took the ballot behind a curtain, crossed out "yes" or "no" and dropped the ballot in a large sealed box upon exiting. Crossing out the non-preferred choice, rather than circling the desired option, has been the standard form of voting in the USSR.

Local electoral commissions received from regional electoral commissions a number of ballots corresponding to the number of eligible voters in the district, plus an additional 3 percent. Voting actually began on September 15, for those who knew they would be unable to vote in their home districts on the 21st. Alternatively, people could present on September 21 a certificate issued by their local election officials to a polling station in a district other than their own and vote there. Polling stations were established outside of the republic in the offices of Armenia's Permanent Representation in Moscow, and in various locations for the numerous Armenians in the Crimea, as well as for those (relatively few) Armenians still serving in the Soviet Armed Forces. No other procedures, such as mail-ins, were available for absentee balloting.

At 11 p.m., members of each polling station throughout Armenia counted the ballots and took the results and all the ballots to the regional electoral commission. Ballots that had been cast before September 21 were tabulated separately. Regional electoral commissions brought their totals and ballots to the Central Commission on the Referendum in Yerevan.

OBSERVERS' EXPERIENCES

The pro-independence mood in Armenia was so strong that turnout was not only high, it was quick. By the time the observers reached the first village they visited, most eligible voters had already cast their ballots. (Local election officials also explained that privatization of land had taken place in these locales and many farmers wanted to vote early, so they could get back to the harvest.) The observers at each stop inspected the voting facilities and spoke with the chairman of the polling station.

All the people encountered were without exception joyful on the occasion of the referendum and were, in fact, using the day for a city- or village-wide celebration. Observers noted no hint of intimidation or pressure or any sign of police or other security forces. There were no obstacles to voting and privacy was secured by the curtained voting booths. The ballot box was in full view and all the seals examined by Commission staff were unbroken.

At all polling places, Commission staff inquired how people had voted and how they felt about Armenia's independence. The responses were unanimously and enthusiastically pro-independence. When questioned about possible security and economic difficulties that might confront an independent Armenia, voters replied that Armenia was no longer afraid of its neighbors and could better address its problems as an independent state. Some people voiced concern about the republic's economic prospects, but nevertheless stoutly backed independence.

One particularly interesting village Commission staff visited was Upper Dvin, which has a large Assyrian population. The atmosphere in the village was no less festive than anywhere else; Assyrians assured the group of observers that they heartily supported

Armenian independence and that their relations with Armenians were excellent. They expressed the hope that Assyrians in Iraq would one day also gain their independence, but they stressed that they had no intention of leaving Armenia, which had now become their homeland.

REMARKS ABOUT THE VOTING PROCEDURES AND FUTURE ELECTIONS

One Armenian opposition leader pointed out that the wording of the referendum was less than ideal, since it was virtually impossible to vote "no" and anyone who did would appear to be voting against democracy as well as Armenian independence. An American observer remarked that the lists of registered voters were computer-generated in some cities and hand-written elsewhere, and that there was no obvious way to prevent the addition of names. As for counting procedures, an observer noted that it was not clear whether results were released as soon as they became known--an established method of preventing fraud in American elections--or were held until the end.

Such procedural issues hardly mattered on September 21, when virtually all of Armenia's residents voted happily for independence and any technical shortcomings were obviously the result of limited experience with elections, as opposed to possible intent to rig the outcome (for which there was no need). But future elections, such as the October 16 Presidential election, will not present choices that are as easy, pleasant, or clear-cut, with the results known well in advance and the actual voting process seen by participants as a fiesta.

IMPLICATIONS OF THE SEPTEMBER 21 REFERENDUM

Armenia's parliament declared independence on September 23; ahead lie negotiations with the "USSR" over Soviet recognition of Armenia's independence, as well

as economic and possibly political relations. The resoundingly pro-independence vote on September 21 was therefore the first step in a longer process, assuming a "center" survives. If it does not, Armenia will undoubtedly continue what it has already begun: establishing formal relations with other republics, as it has with Lithuania and Georgia (a treaty with Russia is expected to be signed soon), finalizing treaties with other republics by the end of 1991, and seeking recognition by foreign capitals.

Regardless of the timetable, Armenia has clearly decided that its interests cannot be satisfied in the framework of the "USSR." Armenian government spokesmen, as well as opposition figures, repeatedly stated that they see independence as the prerequisite to resolution of the republic's pressing problems, including the dispute with Azerbaijan over Nagorno-Karabakh.

Soviet Recognition: Armenia has emphasized its willingness to proceed towards independence in accordance with Soviet law. A post-coup Soviet government trying to demonstrate to the world its adherence to legal methods, and to all republics its reliability as a negotiating partner, will be hard pressed not to acknowledge Armenia's independence, especially since the Ter-Petrossyan government has a reputation for reasonableness and has taken part in negotiations over political and economic relations. That does not mean, however, that difficult negotiations over security arrangements and economic links can be averted.

Nagorno-Karabakh Autonomous Oblast (NKAO): Ter-Petrossyan has already reached an agreement with Azerbaijan's President Ayaz Mutalibov over NKAO, through the mediation of Presidents Boris Yeltsin and Nursultan Nazarbaev of Russia and Kazakhstan, respectively. The two republics have committed themselves to negotiate a ceasefire by January 1, 1992, to remove all armed groups from the area except for Soviet Army and Internal Affairs forces, and to cease all "anti-constitutional actions" with respect to NKAO. Armenians may interpret such wording as a pledge by Azerbaijan to restore local self-government in NKAO, whereas Azerbaijanis may understand the agreement to signal Armenian recognition of Azerbaijani control over NKAO. But they have stated their willingness to use outside arbitrators to help resolve future disputes. The two sides also agreed to begin negotiations mediated by provisional observers from Russia and Kazakhstan on returning deportees (both Armenian and Azerbaijani) to their homes, and to release hostages.

Whether the agreement, in which Mikhail Gorbachev and central Soviet authorities played no part, produces a ceasefire that holds and then possibly a settlement of this bloody conflict remains to be seen. Both Yeltsin and Nazarbaev have a personal stake in the success of their mediating efforts, if only to demonstrate to Gorbachev and the international community that republics can resolve contentious issues without central involvement. Armenia's attitude toward the agreement is somewhat more ambivalent, since Armenians would naturally prefer NKAO to be part of Armenia, and to be recognized as such. There are political groups in Armenia--and Azerbaijan--that would not be satisfied with the sort of compromise signed by Ter-Petrosyan and Mutalibov, which means that the issue may well continue to play a role in the domestic politics of both republics. On the other hand, if the arrangements prove stable, both Armenia and Azerbaijan have enough other problems that require their immediate attention that NKAO might now go to the back burner, even if only temporarily.

Armenia's Future Political-Economic Status: Ter-Petrosyan told a Helsinki Commission congressional delegation two weeks before the September 21 referendum that Armenia would not be a full member of any political association that emerged out of the USSR. He added, however, that no decision on associate or observer status has yet been taken. In any event, Armenia's leadership, regardless of future political arrangements with other republics or possibly a restructured center, and whoever wins Armenia's October 16 Presidential election, will certainly seek to maintain and develop economic ties with republics and whatever Soviet institutions survive. Armenian government spokesmen have repeatedly stated that the republic's independence does not presage a rupture of existing relationships; it will, however, open a much wider range of possibilities of establishing economic ties with the outside world. At a press conference on the eve of the referendum, for example, Vice President Araktsyan said that Iran might become a supplier of oil to Armenia in the future. Both President Ter-Petrosyan and opposition leaders, however, have stated consistently that economic ties cannot be developed without genuine political independence.

Equally certain is Armenia's determination to seek international recognition of its independence and full-fledged membership in international organizations. A pamphlet distributed to referendum observers contains messages from Ter-Petrosyan and other government leaders which ask observers, after having monitored the balloting and convinced themselves of the genuineness of Armenia's desire for independence, to support

Armenia's request for international recognition. On September 24, Armenia's parliament accepted the provisions of all CSCE documents and expressed its desire to join the Conference on Security and Cooperation in Europe. The next day, Armenia applied to the United Nations for membership.

Implications for the United States: Like Armenia, most republics of the "former Soviet Union" have declared independence and made plain their desire to enter the world community as independent actors. Recognizing the influence of the United States in international organizations and public opinion, the republics place particular hopes on gaining U.S. recognition. A group of U.S. Congressmen who observed the September 21 referendum in Armenia pronounced the voting free and fair, and called on the U.S. Government to recognize Armenia's independence, establish diplomatic relations with the republic, and to support its request to join the United Nations. Unlike some other republics, Armenia has the advantage of an influential diaspora community in the West, which will back its aspirations, but even if some state entity--confederation or commonwealth--emerges out of the USSR, other republics will also seek recognition in Western capitals.

Consequently, Washington must begin formulating the policy grounds upon which diplomatic relations will be accorded. The participating States of the Conference on Security and Cooperation in Europe will also have to consider requests for membership from countries that have up to now been Soviet republics. As a preview of coming attractions, Georgia's request for observer status in the CSCE was raised at a plenary session of the Conference on the Human Dimension in Moscow on September 27. No consensus was reached on the matter, which, in effect, meant that Georgia's application was denied. But it was noteworthy that Georgia's request was submitted by the delegation of the USSR--which is now, and may be in the future, in a position to win points with the republics in this matter, while leaving the ball in Western courts. The reality of the end of the old USSR and the entry of republics into the international arena, confronts the United States with tricky decisions ahead.

**REPORT ON THE
PRESIDENTIAL ELECTION IN ARMENIA**

OCTOBER 16, 1991

Yerevan and Kamo

October 30, 1991

HIGHLIGHTS

- The results of the October 16, 1991, elections for President of Armenia were an overwhelming victory for the Chairman of the Armenian Supreme Soviet, Levon Ter-Petrossyan.
- The election was primarily a referendum on Ter-Petrossyan's leadership since he came to power as Chairman of the Armenian Supreme Soviet in August 1990.
- Ter-Petrossyan presented himself as a moderate, internationally respected figure most qualified to lead Armenia to independence.
- Ter-Petrossyan's opponents did not attack the overall direction of his policies (for example, independence for Armenia and land reform), but rather the means of implementation, and accused him for being too willing to compromise Armenian interests vis-a-vis Moscow and Nagorno-Karabakh.
- Helsinki Commission staff observed the voting in Yerevan, the capital, and the city of Kamo. The elections themselves were held by and large in accordance with internationally recognized voting standards; some irregularities were observed, and many more were rumored to have taken place.

THE SETTING

A little less than a month earlier, the citizens of Armenia had overwhelmingly voted for independence through a nation-wide referendum, as stipulated by the April 1990 USSR "Law on Secession" (see *Report on the Armenian Referendum on Independence, September 21, 1991* published by the Commission on Security and Cooperation in Europe, October 1, 1991). In the wake of the referendum, the Armenian Supreme Soviet unanimously declared independence on September 23, 1991.

Due to interruptions in fuel supplies, Armenia faces severe energy shortages which threaten the national economy. Despite the agreement brokered in Zheleznovodsk by Presidents Yeltsin of Russia and Nazarbaev of Kazakhstan, the shooting and killing continue in the Armenian-majority Nagorno-Karabakh Autonomous Oblast (NKAO) in Azerbaijan, as well as along the border with the Azeri-populated Autonomous Republic of Nakhichevan.

One bright spot is the government program of economic and land reform, as a result of which farmers have been able to increase agricultural output. Fuel shortages keep much of the output from reaching major metropolitan areas, however.

THE CANDIDATES

Six candidates for the five-year term of President and their running mates for Vice President appeared on the October 16 ballot. They were:

Zory Balayan: journalist who represented a Nagorno-Karabakh district in the former USSR Congress of Peoples Deputies; nominated by citizens' caucus
Arutun Marzpanyan: economist

Paruir Airikyan: former political prisoner, leader of the *Union of National Self-Determination*, and nominated by that organization
Azat Arshakyan: director of a poultry farm

Rafael Kazarian: Chairman of the Science, Education, Language, and Culture Committee of the Armenian Supreme Soviet, nominated by citizens caucus

Suren Zolyan: Secretary of the Supreme Soviet Special Committee on Artsakh (Nagorno-Karabakh)

Ashot Navasaryan: member of the Supreme Soviet Permanent Committee on Independence and National Policy, leader of *Armenian Republican Party* and the Party's nominee

Grant Khachataryan: member of the Supreme Soviet Permanent Committee on Independence and National Policy

Sos Sarkisyan: director of the National Theatre, nominated by the *Armenian Revolutionary Federation* - historical descendants of the socialist "Dashnak" Party that formed the last government of independent Armenia in 1921.
Vagan (H)ovanessyan: historian and ethnographer

Levon Ter-Petrosyan: antiquities scholar, and chairman of the original "Karabakh Committee", formed in 1987 to defend rights of Armenians in NKAO, for which he and his colleagues on the "Committee" spent seven months in jail in 1987-88. Chairman of the Supreme Soviet of Armenia since August 1990, he was nominated by the *Armenian National Movement* and a coalition of political parties supporting the ANM

Gagik Arutunyan: Deputy Chairman of the Armenian Supreme Soviet

Prime Minister Vazgen Manoukian, considered by some to be the most formidable opponent to Ter-Petrosyan, resigned the Prime Ministership on September 26, and withdrew from the Presidential race at the same time.

Zori Balayan was not certified as a candidate until October 6, 1991, after the Supreme Court overruled the Central (i.e., republic-wide) Electoral Commission's rejection of Balayan's ballot petitions, allegedly for containing invalid signatures. Balayan requested that the elections be postponed as a result, and when this request was denied, he withdrew from the race and threw his support to Sos Sarkisyan. The Electoral Commission, however, refused to remove Balayan's name from the ballot, as he had not met the legal deadline for withdrawing from the race.

The candidacy of former Armenian Communist Party leader Suren Arutyunyan was rejected by the Electoral Commission because he had not met the ten-year residency requirement for candidates.

THE ISSUES

The election was primarily a referendum on the leadership of Levon Ter-Petrossyan, Chairman of the Armenian Supreme Soviet. Ter-Petrossyan's policies toward achieving independence have been moderate and pragmatic: deciding to go the "legal" (i.e., according to Soviet law) route to independence; disarming, at the demand of President Gorbachev, the armed para-military groups confronting Soviet army troops during a particularly tense period in 1990; participating in the economic union with other Soviet republics; and accepting the Yeltsin-Nazarbaev proposals on resolving the Nagorno-Karabakh crisis.

While there were few fundamental disagreements with the overall direction of Ter-Petrossyan's policies, opponents charge that he has been too willing to compromise Armenian interests in favor of Moscow's, and that his handling of the Nagorno-Karabakh crisis has produced only an illusion of resolution. Zori Balayan's candidacy, although aborted, was essentially a protest against the government's (and his own, he admitted, as a member of the USSR Congress of Peoples' Deputies) policy on Nagorno-Karabakh. "The future of Karabakh is the future of Armenia", he told a Yerevan newspaper. The Sarkissyan campaign also pressed for return of other "historical Armenian lands", such as Nakhichevan and parts of eastern Turkey.

Airikyan promoted a free market economic system and criticized Ter-Petrossyan for signing the preliminary "10 plus 1" economic agreement with Moscow and the other republics, in the face of Armenia's overwhelming rejection of the Union in the March 1990 referendum. Airikyan also made a charge commonly heard against a sitting incumbent: using his public visibility as present leader of Armenia, Ter-Petrossyan had manipulated the brief (17-day) election campaign to his advantage.

THE CAMPAIGN

Ter-Petrosyan's opponents claimed that the election run-up had been tipped against them in terms of publicity and access to the media. In addition to the fact that Ter-Petrosyan's visibility as Chairman of the Supreme Soviet provided him a considerable advantage, state-run television limited official appearances of the candidates to an hour and a half, with another hour for designated representatives of the candidates. There was an armed attack on the Airikyan entourage in northern Armenia on September 28, carried out, according to Airikyan campaign workers, by Ter-Petrosyan partisans. Some of Airikyan's television appearances were disrupted by unexplained power failures. The Electoral Commission's decision not to postpone the elections following the court's overruling of the Commission's rejection of Balayan's candidacy prompted demonstrations by Airikyan partisans demanding that the entire Commission resign and that the elections be postponed.

THE RESULTS

Interestingly, pre-election polls proved very accurate. Of approximately 2,050,000 eligible voters (men and women, eighteen years and older with residence permission for either the independent Armenian Republic or the former Armenian SSR), some 70 percent voted. As reported by the Electoral Commission, Ter-Petrosyan was elected with an 83 percent plurality. Paruir Airikyan, his nearest rival, polled a little over 7 percent. The third place contender, Sos Sarkisyan, received 4 percent, with the remaining candidates pulling in less than 1 percent each. Based on Helsinki Commission staff observations and discussions with other interested observers, Ter-Petrosyan enjoyed his greatest popularity in Yerevan, with more divergent preferences in rural areas.

ELECTION DAY OBSERVATIONS

A Helsinki Commission representative observed 14 polling stations in the capital city of Yerevan and the city of Kamo, about 90 kilometers east of Yerevan. From Commission representative observations and discussions with other observers, the elections were conducted without wide-spread violations or irregularities. There were reports, most of which remain unconfirmed, of various inducements -- such as extra gasoline coupons -- and "agitation" to vote the Ter-Petrosyan ticket. Ballot boxes appeared to be securely, but not always uniformly, sealed, and ballot accountability was not particularly stringent. Members of the same family frequently trooped into the voting booths to vote together, and there are documented reports of voters casting ballots for other members of their family, although in one Yerevan precinct a gentleman who wanted to cast a ballot for his son stranded in Moscow was not allowed to do so by the head of the precinct commission.

(perhaps dissuaded by the presence of foreign observers). In any event, both the practice of "group voting" in the booths and "absentee" voting for one's relatives have unfortunately been standard practice in the Soviet Union for decades.

A policeman was posted at several of the polling places, but his presence was not obviously threatening or intimidating. The Commission's observer was requested to present credentials -- a letter of invitation from the Supreme Soviet for "consultations" --- on two occasions.

In Yerevan, voter checklists were maintained by members of the local election commission sitting inside the polling place and checking off voters who presented their passports to receive paper ballots. In Kamo, large posters with listings of residents/eligible voters were placed outside some polling places, so that voters could check as to whether they were at their proper polling place.

Since the election, reports have reached the Commission that gifts in the form of cigarette lighters were allegedly offered in return for Sarkissyan votes.

On October 23, 1991, Airikyan held a press conference and showed a 10-minute film demonstrating numerous alleged election law violations. Airikyan claimed that the election was illegal and could not be considered valid.

THE U.S. OBSERVERS CONTRETEMPS

The Helsinki Commission was invited and indeed urged to observe the presidential election by an opposition candidate. Cooperation from government or other authorities in the form of access to information and logistical assistance, if desired, is an important element in the process of election monitoring. The Commission representative was ably assisted in arranging transportation and appointments by members of the Armenian-American community currently working in Yerevan. Along with two representatives of the U.S. Embassy in Moscow, the Commission representative monitored the Yerevan polling stations on Election Day morning and spoke freely with local election officials and voters. The afternoon visit to the city of Kamo produced similar results. Several other observers whom the Commission representative encountered on election day and the day after reported similar experiences.

Three U.S. citizens with long experience in election monitoring had also been invited by opposition candidate(s) to observe the elections. According to their reports, when they approached officials of the Central Electoral Commission seeking meetings and observers' credentials, the response was one of suspicion and a noticeable lack of enthusiasm for their presence. Refused observers' credentials on the grounds that they were not invited by the Armenian Supreme Soviet, they were eventually offered

transportation to visit the polls, which they declined. They were not hindered in any way from monitoring polling places on their own.

This incident is at variance with the assertions of Armenian representatives that the Armenian government had invited and welcomed international observers to both the September 21 referendum on independence and the October 16 Presidential election and that the Armenian government was committed to openness. Nevertheless, the Commission is not aware of any attempts to prevent any observers, regardless of their designation, from carrying out their mission.

CONCLUSIONS

Ter-Petrosyan's overwhelming victory indicates that for the time being, at least, the vast majority of Armenians support his pragmatic policies toward independence and economic relations with other former Soviet republics. If there was significant displeasure with Ter-Petrosyan's handling of the NKAO crisis, it was not reflected in the results, where Zori Balayan or Sos Sarkissyan might have garnered greater totals.

The public popularity of national heroes in the former Soviet Union - or the former Warsaw Pact states - can be short-lived however, and if the Zheleznovodsk Agreement does prove detrimental to the Armenian population there, Ter-Petrosyan's standing may suffer. A greater test will probably be the economic situation, where the increasing energy shortages (at this writing the Armenian government had just introduced strict energy rationing) may thwart Ter-Petrosyan's heretofore successful economic and land reforms. If Armenia can even restore the level of relative prosperity that it knew during the "era of stagnation", the new President's mandate for leadership is probably secure. If the situation becomes worse, it may be a long hard winter, both figuratively and literally, for Ter-Petrosyan's administration.

**REPORT ON
TURKMENISTAN'S REFERENDUM ON INDEPENDENCE**

OCTOBER 26, 1991

Ashkhabad, Turkmenistan

November 27, 1991

SUMMARY

On October 26, 1991, Turkmenistan held a referendum on independence. Over 97 percent of eligible voters turned out to answer "Yes" or "No" to two questions, the first dealing with the republic's independence, the second seeking approval of President Saparmurad Niyazov's political and economic program. Over 94 percent of participants voted for independence; almost as high a percentage of voters voiced backing for Niyazov. On October 27, an extraordinary session of Turkmenistan's Supreme Soviet declared independence.

Most republics of the former Soviet Union declared independence soon after the August 19, 1991 coup attempt. The much-delayed declaration by Turkmenistan's conservative government aimed at putting the republic on an equal footing with the other republics as negotiations among them and what remains of the center continue towards an uncertain conclusion. But Niyazov has made it quite clear that Turkmenistan's leaders will not countenance Baltic or Russian-style political pluralism on the road to independence. Equally clear from statements by the republic's official spokesmen and from the prominence of Iranian guests in Ashkhabad during the referendum is that Turkmenistan will pursue a regional foreign policy, oriented primarily towards developing good relations with its neighbors.

Helsinki Commission staff traveled to Turkmenistan to observe the October 26 referendum. The Commission has been observing elections and referendums in the Baltic States and Soviet republics since February 1990.* Except for monitoring the voting in the March 1991 All-Union referendum in Alma-Ata, Kazakhstan, however, the Commission has not been to Central Asia. This trip to Ashkhabad thus marks the beginning of a geographical expansion of Commission activity. U.S. policymakers have tended to neglect the region -- a habit that can no longer be afforded as the USSR dissolves and these republics become independent states and enter the world community. The trip's purposes were therefore not only to observe the balloting in the referendum but also to establish contact with the republic's leadership, to gain a sense of the leadership's plans, its attitude towards the CSCE and its commitments, and to meet with representatives of opposition groups.

* See Commission on Security and Cooperation in Europe, *Report on the Armenian Presidential Elections* (October 1991), *Report on the Armenian Referendum on Independence* (October 1991), *Referendum in the Soviet Union: A Compendium of Reports on the March 17, 1991 Referendum on the Future of the U.S.S.R.* (April 1991), *Report on the Estonian Referendum and Latvian Public Opinion Poll on Independence* (March 1991), and *Elections in the Baltic States and Soviet Republics: A Compendium of Reports on Parliamentary Elections Held in 1990* (December 1990).

BACKGROUND

Turkmenistan (or Turkmenia) is the southernmost republic in Soviet Central Asia, bordering Iran and Afghanistan. The republic came into existence and became part of the USSR in 1924. Most of Turkmenistan's enormous territory is desert, but the republic has abundant natural resources, specifically oil and natural gas, and is a major producer of cotton. Turkmens, a Turkic people who are traditionally Sunni Muslims, constitute almost 70 percent of the republic's sparse population of 3.7 million, with Russians (about 10 percent), Uzbeks (nine percent) and Kazakhs (three percent) comprising most of the rest.

Under the leadership of Saparmurad Niyazov, who is Communist Party chief as well as president, Turkmenistan has been one of the most conservative republics of the former USSR, even by the standards of relatively conservative Central Asia. Unlike the Baltic States, Georgia, Armenia and Moldova, Turkmenistan's communist leaders have never supported the breakup of the USSR. In March 1991, republic leaders proudly announced that about 97 percent of eligible voters in Turkmenistan had voted to maintain the Union in a referendum organized by Mikhail Gorbachev. This conservatism has also manifested itself in domestic policies: the fledgling political opposition has been consistently harassed, its leaders dismissed from their jobs, and arrested. There is not one unofficial or opposition movement that has succeeded in being registered by the authorities. (*Agzybirlik* [Unity], the best known opposition group, was registered briefly before the authorities reconsidered. See below, pp. 7-8.)

Consequently, the declarations of independence by most of the Soviet republics in response to the putsch attempt of August 1991 created an awkward situation for Turkmenistan's leaders. They remain reluctant to witness, much less foster, the dissolution of the USSR, as evidenced by their frequently stated willingness to sign a new Union Treaty and their signing of the October 18 economic agreement. But they ultimately could not refrain from jumping on the independence bandwagon. When even conservative Tajikistan declared independence on September 9, it was only a matter of time before Turkmenistan did the same.

The holding of a republic-wide referendum on independence was apparently dictated by the desire of the republic's leaders to be seen as enjoying popular support and acting in accordance with democratic principles. An overwhelmingly pro-independence vote would bolster their status in negotiations with other republics and the fast-vanishing Soviet "center," as well as with the governments of foreign countries, with which they intend to develop relations. The fact that non-Turkmens comprise some 30 percent of Turkmenistan's population presumably was another important consideration impelling the leadership to demonstrate the extent and degree of backing for independence among the entire electorate, regardless of nationality.

Not coincidentally, given the leadership's efforts to reach out to old friends and new, the referendum took place during a meeting of the Council of the Humanitarian Association of Turkmen of the World. The first international conference of Turkmen of the World, in May 1991, created the Humanitarian Association to promote a renaissance of national culture, and unanimously elected President Niyazov president of the association.

THE REFERENDUM QUESTIONS

There were two questions on the ballot: 1) "Do you agree with the legislative establishment of Turkmenistan as an independent democratic state?" 2) "Do you support the statement of the president and Supreme Soviet of the Turkmenistan Soviet Socialist Republic 'On the domestic and foreign policy of Turkmenistan' and the practical activity to implement it?"

The statement to which the second question refers was published at the end of September, and lays out a program of sorts by the republic's leaders. They stressed the need for political stability in the republic, given the acute political and economic crisis in the USSR, as the "main condition of successful social development and resolving urgent social problems." The president and Supreme Soviet promised to protect the interests of all inhabitants of Turkmenistan, regardless of nationality, social position or religion, and warned that attempts to sow discord between different groups would be crushed. The statement pledges that no political party or group will enjoy any special privileges, and that the political and civil rights of individuals would be defended, in accordance with the U.N. Declaration on Human Rights and the Declaration of Rights and Freedoms passed by the USSR Congress of People's Deputies in September 1991.

On economic policy, the statement indicated that Turkmenistan would exchange commodities at world prices with other republics, while recognizing the equality at home of all forms of property, developing entrepreneurship, and denationalizing the economy. In this shift towards market relations, less well-off people and groups would receive protection from the state, which will also foster development of education, health care and national culture. Independent Turkmenistan, according to the document, will defend its sovereignty by forming armed units and by entering into a defensive union with other republics, while abjuring the deployment of nuclear weapons or other weapons of mass destruction. As for foreign policy, the guiding principle in dealings with other countries will be non-interference in internal affairs.

The statement contained few concrete plans or proposals and was clearly designed to appeal to everyone. As a voter pointed out in *Turkmenskaya Iskra* on October 27, there was "no mention in the document of an irrevocable break with Marxism-Leninism," which he described as "very important for veterans." Rather than a guide to policy, therefore, the statement appeared intended to elicit a popular vote of confidence in President Niyazov's position and his continuing rule.

PROCEDURES AND VOTING

Turkmenistan had previously held republic Supreme Soviet elections, as well as a direct presidential election in October 1990, which Saparmurad Niyazov won handily. (Technically, Niyazov thus became the first popularly elected -- i.e., not elected by parliament -- president of a Soviet republic, beating out Georgia's Zviad Gamsakhurdia by some six months and Russia's Boris Yeltsin by seven.) The law governing the October 1990 election was still in effect and regulated the voting on October 26, 1991, as Turkmenistan has not as yet passed a law on referendums. There were 60 districts in the republic, with a total of 1,395 polling stations for over 1.8 million voters. Polling stations were staffed by people nominated by work collectives, enterprises and neighborhoods; they, in turn, elected a chairman. Polls were open from 7 a.m. to 8 p.m. (but could be opened earlier upon requests of voters, according to subsequent newspaper reports on individual polling stations). All those over 18 years old could vote.

The authorities distributed invitations to vote to the electorate. Moreover, they organized a substantial and coordinated effort to get out the vote, which the republic press described in detail. *Turkmenskaya Iskra* on October 25 reported that "activists and deputies" were urging "Yes" votes in work collectives, educational institutions, and neighborhoods. Municipal officials from Tashauz related in the same newspaper two days later that hundreds of meetings with voters had been held and that radio and television had been broadcasting information on the significance of the referendum in three languages for ten days. Voters were also attracted to polling stations by various sorts of entertainment and vendors selling food and clothing.

Ballots were available in Turkmen and Russian. Each of the two questions was followed by a "Yes" and "No" box; voters were supposed to cross out the choice they did not want. They came to polling stations, signed on the prepared list of voters for the ballots they received, went into a curtained booth to make their choice, and dropped their completed ballot into a sealed box. The subsequent tally counted the two questions separately and a vote on either question was invalid if both "Yes" and "No" were either crossed out or left untouched.

Those not in their home wards on October 26 could vote where they were by informing election authorities in advance: they would be placed on supplementary voter rolls and crossed off lists in their home district. Urns were brought to people too ill to come to polling stations.

RESULTS

The chairman of the republic's Central Election Commission announced the final results at an extraordinary session of the republic's Supreme Soviet -- in which enormous portraits of Marx, Engels and Lenin still overlooked the deputies -- on October 27. He reported that 97.4 percent of the republic's eligible voters had participated in the balloting, of whom 94.1 percent voted "Yes" to independence (4.2 percent voted "No") and 93.5 percent approved of the program of the republic leadership (4.3 percent voted "No").

In Ashkhabad, where some 40 percent of the population is non-Turkmen, 91.5 percent of participating voters cast ballots for independence (7.4 percent voted "No") and 91.6 percent approved of Niyazov's program (7.2 percent voted "No").

DECLARATION OF INDEPENDENCE

On the basis of these results, the parliament, led by President Niyazov, declared independence. Niyazov also decreed that the state symbols of Turkmenistan, whose flag on October 26 still featured the Soviet hammer and sickle, would be changed.

The triumphant president went on to make a number of very interesting points in his speech. He noted, first, that the republic's non-Turkmen population had voted for independence and promised that everyone's rights would be guaranteed. But he warned that "we don't need formal democracy" and that strong discipline and social togetherness were essential. Niyazov also made clear that Turkmenistan would not copy the economic plans worked out in Moscow or other republics and would not hurry with privatization of enterprises, land or trade. Furthermore, he continued, law and order will be strengthened and any attempts to sow dissension or disparage the dignity of any people would be decisively suppressed.

Niyazov noted that "the Turkmen people demand to know their history," an apparent reference to the intended development of programs on Turkmen culture and language. The republic, he said, would need backing from Turkmen all over the world, and he promised that Turkmenistan would make dual citizenship available to them.

Then, in a remarkable statement, given the occasion and the setting, Niyazov essentially told the assembled deputies of the Supreme Soviet that they were expendable. He warned them that they "could be recalled" by the people, if they were "illiterate in economic and legal matters."

Niyazov closed his oration with a reference to foreign relations. He promised that independent Turkmenistan would not isolate itself and would instead be open to the entire world. But he singled out for special and favorable mention the republic's ties with Iran, with which trade relations would now expand.

Following Niyazov on the podium was the governor of adjacent Khorasan province in Iran, who led a 200-strong Iranian delegation visiting Turkmenistan. He congratulated the republic on its independence, adding that "walls between our two countries have been cleared away" and that political and economic ties would now develop between the neighboring countries.

IMPLICATIONS OF TURKMENISTAN'S INDEPENDENCE REFERENDUM

The formal declaration of independence by Turkmenistan did little to change the situation that had already developed in the former USSR: the Soviet Union has disintegrated and republic leaderships are formulating their own domestic and foreign policies. Whether Turkmenistan will enter a political or economic union with other republics with some sort of center in a coordinating role, as the chairman of the parliament projected in a conversation with Helsinki Commission staff, depends on the center's ability to hold even to that minimal extent. One important factor in the leadership's eventual decision is the relative absence of animosity -- compared, say, to the Baltic States -- among the political elite towards Moscow and, indeed, the Soviet Union. Foreign Minister Kuliev told Helsinki Commission staff that "We are not extremists. We don't condemn the USSR or its entire existence. The Soviet Union did not do only bad things for us and we acknowledge the benefits we received."

A similar point of view was directed at the public in an interview in *Vecherniy Ashkhabad* (October 25) by the director of the Institute of History of Turkmenistan's Academy of Sciences. He said that only in 1924 did the Turkmens manage to establish a state, and however one approaches the Bolshevik Revolution, "we must associate the beginning of our independence with it...at that time, entering the USSR was a benefit -- a step ahead on the path of progress."

Given such official policy statements and leadership attitudes, Turkmenistan would probably join such a union if it emerges. But the republic will surely insist on maintaining control of its natural resources, selling them at world prices and keeping the profits, and pursuing its own domestic and foreign policies.

Degree of Democratization

The holding of a referendum on independence was obviously designed to display a leadership united with its people and enjoying its support. But elections in Turkmenistan since 1990 have regularly drawn the kind of turnout and support for ensconced leaders that were typical of Soviet elections before 1985. Saparmurad Niyazov won his October 1990 presidential election with about 97 percent of the vote; in March 1991, voters in Turkmenistan by almost identical numbers cast ballots in Mikhail Gorbachev's referendum in favor of maintaining the Union, when that was the stated policy of the republic's

leadership. Against that background, the similar results of the October 26 referendum tend to elicit raised eyebrows.

Such an overwhelming turnout and a pro-independence vote are not necessarily suspicious, of course: why wouldn't the great majority of voters in Turkmenistan prefer independence, especially when almost every other republic has already made its declaration? Moreover, Armenia declared independence after a September 21 referendum produced similarly high figures. But in Armenia, the Communist Party apparatus was overthrown well before the referendum on independence; in Turkmenistan, it continues to hold sway and gives every appearance thus far of being able to produce virtually any result it wants in an election or referendum, even if all the formalities of voting and tallying are observed.

Perhaps almost everyone in the republic does support President Niyazov -- but the absence of any institutionalized political pluralism makes it hard to know. There are no registered political organizations in Turkmenistan, so the members of polling stations, who handed out ballots and later counted them, were not representatives of different political parties, as was the case in elections held in the Baltic States and various Soviet republics. The 90 percent-plus vote of support for President Niyazov's program was therefore no more surprising than the pro-independence result.

Political Opposition

There are few indications that the republic's present leadership will allow any serious opposition to develop. Representatives of *Agzybirlik* [Unity] told Helsinki Commission staff that there are about half a dozen political organizations in Turkmenistan, which have recently formed an independent Helsinki group. Apart from *Agzybirlik*, there is a Democratic Party -- which was holding a congress in Moscow during the referendum, as the authorities would not allow the congress to be held in Ashkhabad -- the Popular Front of Turkmenistan (in the city of Mary), and the student organizations *Nazaryet* and *Maksat*.

Agzybirlik spokesmen reported that the members of these organizations suffer repression of various kinds, including harassment at work, dismissals from jobs, fines, and arrest. For example, the republic's most prominent political prisoner is the poet and dramatist Shiraly Nurmyradov. According to *Agzybirlik* spokesmen, he was sent to prison for defrauding someone of money but actually was convicted for ridiculing President Niyazov. *Agzybirlik* hopes to effect his release in the near future, since he is being held in a prison on the territory of the RSFSR, and President Yeltsin has pledged that there will be no political prisoners in his republic. *Agzybirlik* spokesmen also charged that President Niyazov rules by decree and complained about the total lack of independence of the legislative and judicial organs.

Despite these complaints, *Agzybirlik* fully backs Turkmenistan's independence and did not call for a boycott of the referendum. However, the movement urged supporters not to answer the second question on the ballot relating to Niyazov's program.

In this context, an article in the October 25 issue of *Turkmenskaya Iskra* about a draft law on social organizations is intriguing. The chairman of the Supreme Soviet's committee on legislation stated that "the right exists for each person to unite with like-minded people to express himself," as inscribed in the Universal Declaration of Human rights, the International Covenant on Civil and Political Rights, and the constitutions of all countries." "Alternative political organizations are now actively making themselves known," he continued, "and the state is obligated to create conditions to guarantee the right for people to unite with those who share their views."

The draft law, which is ready for presentation to the parliament, stipulates that political organizations will not need official permission to be established, but they will require registration. An initiative group of 50 people will prepare a constituent assembly for political parties, which must have a minimum of 1,000 adherents. After passing a charter and program (which may not propagate racism, war or fascism), they apply to the Ministry of Justice, which will register parties within two months. Registered parties receive juridical status and can engage in political work and create mass media outlets, i.e., newspapers.

If passed and taken seriously, this law would legalize opposition political organizations. But by establishing conditions for their formation, it would also legalize the authorities' refusal to register any group by claiming that it lacks the minimum number of members (or by harassing its backers below the necessary number). It is unclear how Turkmenistan's fledgling political opposition might fare under such a law. But one unsettling indication is the statement of the chairman of the commission on legislation that the law's fate in the parliament will be decided by the Communist Party, the komsomol and the [official] trade unions -- all of which have been thoroughly discredited in most other former Soviet republics. In any case, one safe bet is that the first political group to be registered will be the Communist Party or whatever it is renamed.

"We will educate our people in the spirit of established traditions," the Foreign Minister told Helsinki Commission staff. The Minister of Culture told *Turkmenskaya Iskra* (October 27) that independent Turkmenistan should have one faith: "faith in spiritual riches, in the traditions of our fathers and grandfathers." It would appear that President Niyazov and his associates intend to continue ruling the republic in a top-down paternalistic fashion, deciding for the people what is "natural" and what is not, while emphasizing to a greater degree Turkmen national traditions, as opposed to Islam, as the basis of the republic's collective identity.

New Technocracy in Turkmenistan?

It is also possible, however, that the role of the Communist Party apparatus and its influence in the republic may be changing, as a new force enters the republic's political arena. The stark warning Niyazov conveyed to deputies about their dispensibility in his October 27 speech could indicate a decision on his part to create a smaller, technocratic legislative and governmental elite as opposed to the Communist Party apparatchiks who currently occupy most of those administrative posts. With Turkmenistan about to take on the management of its own domestic and foreign affairs, competence may become a more important criterion for job placement than membership in the Party apparatus.

Furthermore, *Izvestiya* reported on October 28 that Niyazov intends to restructure Turkmenistan's administrative system by doing away with regional and district councils and replacing them with administrators appointed by himself. The report left unclear whether this plan involves the actual dissolution of elected local councils -- hardly a step towards democracy -- but it could also be an aspect of a larger plan to professionalize administration as Turkmenistan enters the world community.

Inter-Ethnic Relations

Newspaper reports on the referendum both before and after the balloting stressed that voters of all nationalities supported independence, and voters themselves voiced the hope and expectation that ethnic harmony would continue. In Krasnovodsk, for example, a Russian voter interviewed in *Turkmenskaya Iskra* (October 27) said it was most important that efforts would be undertaken to maintain peace among peoples of different nationalities. She added that many acquaintances had begun studying Turkmen, "not because they're afraid of anything, but just because that's how it should be."

But the very frequency of affirmations of inter-ethnic harmony in official statements, the republic press and in private conversations with high-ranking authorities indicates an area of particular concern for the republic's leadership. This is not surprising, considering that some 30 percent of the republic's population is non-Turkmen, that inter-ethnic violence has flared in many regions of the former USSR (though not in Turkmenistan), and that deteriorating economic conditions generally tend to exacerbate national tensions. The government's plans to foster Turkmen national culture, especially if implemented rigorously with respect to language requirements, could cause concern among non-Turkmen elements of the population, especially since the last few years have witnessed large-scale emigration from all over Central Asia of Slavic residents, concerned about their fate and loss of status in newly nationalist republics.

On the other hand, Turkmenistan's leaders seem sensitive to this issue, which is a critical component of the domestic stability they appear to value above all. Another reason for cautious treatment of non-Turkmens is economic necessity: the leaders of other Central

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Asian republics have openly voiced the hope that Slavic inhabitants of their republics will not leave, as they often possess technical expertise which will become crucial as these republics begin managing their own affairs. Turkmenistan's leadership presumably shares this view, and will probably proceed carefully in implementing nationalist policies.

Foreign Relations

Turkmenistan is now on an even footing with all other republics that have declared independence, as they all engage in complicated negotiations among themselves and with what remains of the center. As Niyazov said at a state banquet on October 27, the republic's next task was "to show the world there is one more independent government."

The declaration of independence also facilitates the development of Turkmenistan's foreign relations. Foreign Minister Kuliev met with Helsinki Commission staff for an hour on October 28 and laid out the basic foreign policy directions independent Turkmenistan intended to follow. He said little that was not contained in the September statement issued by President Niyazov, on which voters cast ballots on October 26. Kuliev stressed that it was essential for the republic to build good relations with its neighbors, mentioning Iran, Turkey, Pakistan and Afghanistan. He said Turkmenistan would try to coordinate its foreign policy with theirs in the interests of ensuring regional peace. But, he added pointedly, their ideology and politics are their own business, and non-interference must guide their relations with independent Turkmenistan.

Kuliev said that Turkmenistan's leaders respect religion and support the creation of conditions that would allow believers to pursue their faith. But in a clear reference to neighboring, Shiite Muslim, Iran, he warned that religion would not be permitted to become a political force, and that there would be no "religious fanaticism here."

Kuliev said that his government also hopes to establish good relations on an equal basis with Western industrialized countries and Japan. He added that students from Turkmenistan would be sent to study in those countries, and that the republic would gradually open its doors to foreign capital and offer assurances about investments.

Turkmenistan and the CSCE

The chairman of Turkmenistan's parliament told Helsinki Commission staff that the republic's leadership had not yet begun thinking seriously about the CSCE, but Foreign Minister Kuliev stated positively that Turkmenistan would like to join. When asked about Turkmenistan's attitude towards CSCE human rights provisions and commitments on political pluralism, he said that human rights were of critical importance and asserted that there were no contradictions between international human rights standards and the republic's legislation and practice.

But Kuliev said, echoing Niyazov's words of the previous day, that "we don't intend to play at democracy" [i.e., there will not be a profusion of political parties here]. He pointed to developments in the Baltic States, Moscow and Leningrad as evidence of the sort of chaos caused by such "playing." Political groups from the Baltic States and from certain Russian cities had come to Turkmenistan and tried to stir up trouble, added Kuliev, but "we didn't allow them to do so and we won't allow them to do so." Political parties, he said, "should not be imported. They should be a natural outgrowth [of the society] and we won't prevent natural parties from becoming established."

At the September 9 - October 4, 1991 Moscow Meeting of the CSCE Conference on the Human Dimension, the Soviet delegation announced that the USSR would support applications to join the CSCE by all former Soviet republics. As in the case of other republics which have proclaimed their independence, Turkmenistan presumably will at some point seek admission. CSCE signatory states will then have to consider whether this republic has become a truly sovereign state, and, if so, given its Central Asian location, whether it should be admitted to the Conference on Security and Cooperation in *Europe*. This decision will have to be made and gain unanimous consent, even though Turkmenistan was a constituent entity of a CSCE participating state, the USSR. The debates over this issue promise to be intense, considering that the admission of many new states -- not European in location, political development and culture -- could create a new bloc in the CSCE that might complicate, if not alter, its structure and functioning.

Should Turkmenistan successfully leap these hurdles, other circumstances would have to be considered. Albania, for example, was kept in observer status for almost two years because of its human rights and political freedom deficiencies.

The elaboration of legislation on political parties may to some degree be intended to ease Turkmenistan's way into the CSCE, or, at least, the Western community of nations. But despite the possible legalization of opposition parties in the near future, Turkmenistan's leaders seem determined to retain power and not to open the political arena to their critics (unless, perhaps, they feel that the opposition has few supporters or can be controlled). Foreign Minister Kuliev, when asked how the republic could implement CSCE commitments on political pluralism, said that everyone in Turkmenistan was free to express his/her views. As confirmation, he pointed to the proceedings in the Supreme Soviet on October 27, when various parliamentarians and invited guests made congratulatory statements after Turkmenistan's independence was declared. But it remains to be seen -- and there is reason to doubt, based on past practice and current official statements against "playing at democracy" -- that the republic's leaders will grant the same right, enshrined in CSCE commitments, to parties they consider "not natural."

Implications for the United States

Whether or not a union of sorts emerges from the USSR, all the former republics have made clear that they intend to pursue their own foreign policies. If assumptions and projections made above about Turkmenistan are accurate, that republic and perhaps others in what has been Soviet Central Asia are likely to become new states. Turkmenistan's leaders clearly would like to establish relations with the United States and other Western countries, but their emphasis on regional stability appears to be a higher priority. The establishment of ties with neighboring Iran (while stringently acting to prevent Islamic fundamentalism from infecting Turkmenistan's population), Afghanistan, Pakistan and Turkey seems more important to Ashkhabad than developing good relations with a faraway United States, especially if Niyazov faces uncomfortable demands about political pluralism. He has already been to Teheran and will visit Ankara at the end of November, but it will probably be some time before he comes to Washington.

If Turkmenistan requests recognition, U.S. policymakers will have to decide whether and under what circumstances to recognize Turkmenistan as an independent country and whether to establish diplomatic relations with it. That decision, in turn, will depend on many factors, including: whether a new union emerges from the USSR, of which Turkmenistan would be a member, and the state of U.S. relations with that union; and, the nature of U.S. relations with Russia, which might prod Washington to recognize or not to recognize other former republics. In September 1991, the chairmen of the Foreign Affairs and Human Rights Committees of the Russian Supreme Soviet urged the Helsinki Commission and the U.S. Congress and government to pressure former republics of the USSR on human rights issues, arguing that it would be easier and more effective to influence their behavior from Washington and other Western capitals than from Moscow.

In any event, Washington will have to consider Turkmenistan's application to join the United Nations. According to Foreign Minister Kuliev, membership in an international organization is essential, as the Soviet Union can no longer guarantee the integrity of the republic's borders. But more important, the likely emergence of new states in Central Asia will certainly affect the regional balance of power, with Iran, Turkey and Saudi Arabia already jockeying for influence. If the United States wants to lend such influence and leverage as it has -- and they may be considerable, given Washington's ability to provide technical and economic expertise, and to decide whether Turkmenistan is admitted to international organizations -- a policy of engaged involvement might help move the republic towards a secular, pro-Western, democratic and free market orientation.

**REPORT ON
UKRAINE'S REFERENDUM ON INDEPENDENCE
AND
PRESIDENTIAL ELECTION**

DECEMBER 1, 1991

**Kiev, Lviv, Kaniv
and Surrounding Regions**

December 20, 1991

SUMMARY

In an historic referendum/presidential election on December 1, 1991, residents of Ukraine overwhelmingly voted for independence and chose Leonid Kravchuk, the chairman of the republic's Supreme Soviet, as president. Hundreds of foreign observers and correspondents watched as 84 percent of eligible voters went to the polls. Over 90 percent of participants, including many non-Ukrainians, cast ballots for independence.

Former Communist Party apparatchik Kravchuk handily won the presidency on the first round, garnering about 60 percent of the votes. Among the candidates he defeated were two widely admired former dissidents and political prisoners who had served many years in Soviet prisons for advocating Ukrainian independence.

The outcome of the referendum, while expected, was nevertheless momentous. Ukraine's emergence as an independent state ended any prospects of salvaging a federated or even confederated USSR. The results of the voting provided the direct impetus for the December 8 agreement among the presidents of Russia, Ukraine and Belarus to create the Commonwealth of Independent States as the successor entity to the Soviet Union, which they formally declared dead.

The rise of Ukraine -- a large state with 52 million people, a highly developed industrial base, rich agricultural capabilities, and, not least, nuclear weapons on its territory -- also altered the geo-political map of Europe. Western capitals, observing the quickly unfolding events and grasping their ramifications, made determined efforts to stop referring to the new republic in their midst as "*the*" Ukraine, while pondering how its military plans and potential affect security arrangements in the post Cold War world.

Given the importance of Ukraine's referendum and presidential election, as well as the republic's size and regional differences, the Helsinki Commission sent three staffers to observe the voting. Ukraine's parliament had previously conveyed formal invitations to the Commission, which selected three distinct cities as representative sites to monitor the voting, gauge the popular mood and gain different perspectives on the political implications: Kiev, the capital, in central Ukraine; Lviv, the regional capital of Western Ukraine, reputedly the most highly nationalist area of the republic; and Donetsk, in Eastern Ukraine, where the population is heavily Russian or Russified. Unfortunately, logistical and transportation breakdowns in the decaying Soviet Union foiled plans to reach Donetsk, and Commission staff instead traveled to the city of Kaniv (a small city on the Dniro river). The following report is based on staff observations over several days, and is supplemented by many conversations with voters and officials, as well as Ukrainian and central Soviet newspaper and television coverage.

BACKGROUND

On August 24, 1991, shortly following the failed coup-attempt in Moscow, Ukraine's Supreme Council (parliament) voted to declare Ukraine's independence. The declaration stated that henceforth, only the Constitution, laws, resolutions and other legislative acts of Ukraine are valid on its territory, and called for a referendum on December 1 to "support the Act declaring independence."

Well before August, the Ukrainian parliament, under pressure from the democratic opposition, was moving toward democratic, peaceful self-determination. Under *glasnost* and *perestroika*, Ukrainians increasingly asserted their cultural and political identity, spurred by the Popular Movement of Ukraine, *Rukh*, and other groups favoring Ukrainian independence. In March 1990, Ukraine held its first multi-candidate elections for parliament, in which some one-third of the new deputies were members of the democratic opposition. These deputies were instrumental in setting the agenda and encouraging moves toward greater self-determination, including laws giving the republic control over its own resources.

Such pressure was especially strong in western Ukraine, which came under Soviet control only after World War II and where nationalist sentiment ran highest. In fact, the December 1 referendum was not the first recent plebiscite on independence on Ukrainian territory: voters in the western Ukraine had displayed their support for independence during Mikhail Gorbachev's March 1991 referendum on maintaining the USSR as a federation. Three western oblasts, already controlled by non-communist forces, authorized a question on Ukrainian independence as an addition to Gorbachev's referendum question and to the question approved by Ukraine's legislature soliciting support for Ukraine's July 1990 declaration of sovereignty. Since March 1991, however, the accelerating disintegration of the USSR and central Soviet institutions, the spread of Ukrainian national feeling far beyond western regions, and the failed August putsch made possible -- and necessary -- a republic-wide referendum on independence.

After the August Declaration of Independence, Ukraine quickly passed laws on the creation of its own army, on disbanding the KGB and creating a National Security Service, on creating state frontiers, on a national guard, customs, and foreign investment. Meanwhile, republic leaders refused to sign any political union treaty: Supreme Council Chairman Leonid Kravchuk insisted that Ukraine would not enter discussions prior to the December 1 referendum about future political arrangements, including the November 14 agreement between the center and seven republics on a new Union treaty that created a confederated Union of Sovereign States. And only reluctantly did Ukraine, on November 6, initial an agreement on a now-defunct economic community with eight former Soviet republics.

Ukraine also became more active in the international arena. After August 1991, the Ukrainian Government expanded efforts to seek both bilateral and multilateral recognition, and signed several consular agreements with its neighbors. Ukraine has attempted to maintain relations with Russia while at the same time pursuing its own prerogatives. In August, Russia and Ukraine agreed to respect each other's right to independence and territorial integrity; in October, they reiterated their shared support of already-agreed nuclear and conventional arms control treaties. Meanwhile, Leonid Kravchuk traveled to the United States, Canada, and France for discussions with their heads of state about Ukraine's impending independence.

On both the domestic and international fronts, therefore, Ukraine prepared the groundwork to support the widely anticipated vote for independence on December 1. These efforts proceeded in the face of dark warnings by Mikhail Gorbachev, by the central Soviet media and, to some extent, Russian media about the difficulties and dangers Ukrainian independence would pose to Ukrainians themselves, to their neighbors and to international stability. Many Ukrainians later told Helsinki Commission staff that such attempts to intimidate them only made them more determined to see their cause through to the end.

THE REFERENDUM AND ELECTION

Referendum Procedures

The December 1 ballot on Ukrainian independence asked citizens: "Do you support the declaration of Ukrainian independence?" The responses were: "Yes, I endorse it" or "No, I do not endorse it." Voters were to cross out the response that they did not want, leaving the response they preferred. Ballots with both answers or neither one crossed out were invalid. At least 50 percent of Ukraine's 37 million voters had to participate for the results to be binding.

Presidential Election -- Procedures

The election procedures were governed by a July 1991 Resolution of the Ukrainian Supreme Soviet that regulated the election procedures and appointed the Central Electoral Commission to organize and oversee the elections. The Commission formed 27 electoral districts -- one each in Crimea, the oblasts of Ukraine, and the cities of Kiev and Sevastopol. Political parties, associations and movements submitted applications to the Commission to obtain the right to nominate a presidential candidate. The Commission also approved the candidates' lists of signatures and registered the candidates themselves, as well as their authorized representatives (up to 30) by October 31.

The names of all registered candidates were on the ballot issued to voters, who were to cross out all but the name of the candidate they supported. If no names or more than one name was left uncrossed out, the ballot was considered invalid. To win the election, a presidential candidate had to receive over 50 percent of the vote cast. If no candidate received a majority, the two top vote-getters would meet in a runoff on December 15.

In order to be registered as a candidate, an individual had to obtain 100,000 signatures before October 31. Over 90 people declared themselves presidential candidates, but only seven individuals had collected the necessary 100,000 signatures by the October 31 deadline. They included a former high-ranking Communist Party functionary, two former political prisoners, a minister, a director of a cooperative, and two scientists. Four of the candidates came from the democratic opposition in the Ukrainian parliament. All seven favored an independent Ukraine and urged a positive vote in the referendum.

Presidential Election -- the Candidates

Leonid Kravchuk -- Chairman, Ukrainian Supreme Council (parliament) and formerly second secretary of the Ukrainian Communist Party Central Committee in charge of ideology.

Vyacheslav Chornovil -- Member of Ukrainian parliament; Chairman, Lviv regional (oblast) council; endorsed by *Rukh*; former political prisoner and Ukrainian Helsinki Monitor; former journalist.

Levko Lukianenko -- Member of Ukrainian parliament; Chairman, Ukrainian Republican Party; former political prisoner and Ukrainian Helsinki Monitor; jurist.

Ihor Yukhnovskiy -- Chairman, Narodna Rada (democratic opposition faction in Ukrainian parliament); head, Parliamentary Commission on Education; scientist.

Volodymyr Gryniov -- Vice Chairman, Ukrainian parliament; chairman, Party for the Democratic Rebirth of Ukraine; mathematics professor; ethnic Russian from Kharkiv.

Leopold Taburiansky -- Chairman of Dnipropetrovsk-based cooperative Olymp and leader of the People's Party of Ukraine.

Oleksander Tkachenko -- Agriculture Minister of Ukraine. Tkachenko withdrew his candidacy a few days before the election.

The candidates were entitled to receive 75,000 rubles each from the parliament for their campaigns. Donations for each campaign could not exceed 150,000 rubles from outside the parliament, so no candidate could spend more than 225,000 rubles.

The Candidates' Platforms

The candidates' platforms agreed on most key issues, reflecting the influence of the democratic movement *Rukh*, as well as of the *Rukh*-affiliated Ukrainian Republican and Ukrainian Democratic parties. All candidates supported independence and the consolidation of Ukrainian statehood, building a democratic state based on rule of law and respect for human rights and liberties, especially of national minorities, which constitute nearly one-quarter of Ukraine's population. The candidates also agreed on developing a market-oriented economy, although there were differences among them as to the pace and scope of economic reforms. While rejecting any kind of control by the center, they recognized that maintaining some ties, especially economic ties, with the other republics of the former Soviet Union was necessary.

Candidates differed on whether Ukraine should be a federal republic, with Kravchuk envisioning Ukraine as 12 self-governing economic zones and not as a federated system, as many of the other candidates favored. Most candidates appeared to favor the notion of some local self-rule and of national-cultural autonomy for national minorities.

Kravchuk and His Rivals

In general, Ukraine's presidential election was a secondary concern for the electorate, which concentrated its efforts and hopes on holding an overwhelmingly successful independence referendum. Nevertheless, voters had clear preferences in a contest which centered not on programs but on the candidates' personalities and pasts. For many people, the decision ultimately came down to one question: would the Communist Party career of Leonid Kravchuk outweigh his political experience and reputation as a clever, pragmatic tactician -- featuring a transformation from Communist Party ideologue to Ukrainian nationalist -- and cause his defeat at the hands of the splintered but non-communist, democratic opposition that had fought the communists for years, even at the cost of prison and exile? As Vyacheslav Chornovil put it when asked what distinguished his platform from Kravchuk's, "almost nothing, except that my program is 30 years old and Kravchuk's is 3 months old."

But even supporters of other candidates acknowledged to Helsinki Commission staff that Kravchuk is a gifted politician who seemed to many voters the best choice in a complex transition period for Ukraine. His position as chairman of the republic's parliament allowed him to travel abroad and meet foreign leaders, including President Bush, and his association with Western heads of state raised his stock. On the other hand,

even Chornovil's staunchest adherents conceded that their candidate, while recognized as a popular and effective leader of Lviv oblast, is an emotional and sometimes impulsive individual, which certainly strengthened him during his years of dissidence but which may have seemed less than presidential. And finally, the inability of non-communist forces to consolidate and offer the voters one candidate against Kravchuk undoubtedly contributed to his victory. Chornovil conjectured that the sight of a splintered opposition made Kravchuk seem more "stable" to voters.

The Presidential Campaign

Ukraine has made notable strides in the conduct of campaigns since the March 1990 elections. All candidates had access to resources and to the media -- newspapers, radio, and republican television. Indeed, the Ukrainian media focused a great deal of attention on the candidates and their platforms.

Representatives of *Rukh* expressed mixed feelings over candidates' access to the republic-wide media, alleging that Kravchuk received considerably more exposure than any of the other candidates. (According to one study, Kravchuk and Agriculture Minister Tkachenko received 63 percent of the media coverage furnished to all the candidates, with the remainder going to the other five -- all of whom were members of the democratic opposition.) But *Rukh* spokesmen were generally pleased with the November 29 roundtable of the six remaining candidates on republic-wide television.

All candidates, especially the leading contenders, traveled around Ukraine promoting their respective candidacies. But Kravchuk benefited greatly from the natural advantages of incumbency, which afforded him constant media exposure and allowed him to travel all over Ukraine in his own airplane instead of relying on Aeroflot, and enabled him to exploit the infrastructure available to the chairman of the republic's parliament. At the same time, Vyacheslav Chornovil, Kravchuk's strongest rival, also made use of the advantages of being *Rukh*'s candidate, although his resources were dwarfed by Kravchuk's. Chornovil, who staged a particularly active campaign, traveled widely outside his power base in western Ukraine. In addition to promoting his own candidacy, he viewed his campaign as a vehicle in furthering the ideals of Ukrainian democratic independence, especially in areas where they were not firmly rooted. Chornovil also hoped, as a Radio Liberty analyst put it, to "set the record straight about the supposed radical Western Ukrainian nationalism that the Communist press had portrayed him as representing."

The Campaign for the Referendum

Rukh was especially active on the referendum question, with 10,000 - 20,000 activists, mostly from western Ukraine, traveling to the eastern and southern regions to advocate independence on a grass-roots level, including the distribution of millions of leaflets. They were joined by several dozen Ukrainian-Americans and Canadians. *Rukh*

observers characterized the campaign to Helsinki Commission staff as largely free and fair, although they noted irregularities in places such as Crimea and Mykolaiv, where some pro-independence literature was not permitted and where *Rukh* activists reportedly were refused entry. They noted that many of the old apparatchiks were still in place, obstructing the campaign efforts by democratic activists. There was also agitation against independence, especially from fledgling "interfronts" which called for secession from Ukraine in several regions in eastern and southern Ukraine. *Rukh* officials claimed that these efforts, led by a portion of the Russian intelligentsia, found minimal support among ethnic Russians.

Rukh representatives expressed particular satisfaction with media exposure on the question of the referendum on independence. Indeed, prior to and on the eve of the election, republican television and radio devoted a substantial amount of time to stressing the critical importance of a positive vote on independence (and pointing out Moscow's economic exploitation of Ukraine). Not surprisingly, the Ukrainian parliament, which had passed the August 24 independence declaration, was unabashed in its support for the referendum. *Holos Ukrainy* reported on November 28 that an appeal of the Presidium of the Parliament was sent to those oblasts with a large number of undecided voters urging citizens to vote for independence.

Military Participation in Voting

All residents of Ukraine over 18 years old could vote. The electorate also included Soviet military forces stationed in Ukraine, about whom the Presidium of Ukraine's Supreme Council issued a resolution in November permitting them to vote on December 1. Soldiers, irrespective of whether they were of Ukrainian origin, from Ukraine or other republics, did not have to vote but were free to participate.

The decision to grant all soldiers the vote was not as risky as might appear, given the large proportion of Ukrainians in the Soviet Army in Ukraine, and disenfranchising them could have been even more risky. As Chornovil noted in a December 1 interview with *Vysokii Zamok*, a Russian-language newspaper of the Lviv Oblast council, Ukrainian leaders pursued a careful policy of not alienating soldiers: "We cut short attempts to declare the army an occupation army and frequently spoke about [our] desire to strengthen social guarantees and do something practical [for the army]."

Observers

There were over 60 official observers from the United States, Canada, Western Europe, several republics of the former Soviet Union, neighboring states in eastern Europe, as well as a delegation of seven members of the European Parliament. Official observers from the United States included three Helsinki Commission staffers, two Senate Foreign Relations Committee staffers, and officials from the U.S. Consulate in Kiev, the

U.S. Embassy in Moscow and the Department of Defense. There were also dozens of non-governmental observers who received accreditation as international observers, including representatives of Ukrainian-American and Ukrainian-Canadian organizations, as well as members of non-governmental organizations, such as Harvard University's Project on Economic Reform in Ukraine. In addition, hundreds of reporters converged on Ukraine to observe and report on the voting.

The regulations permitted candidates, their authorized representatives, Ukrainian deputies, journalists, and representatives of work collectives, political parties and social movements to monitor the voting and vote count. According to *Rukh* representatives, some 20,000 Ukrainians from western Ukraine traveled to eastern Ukraine to observe the elections.

The Vote

Voter turnout was heavy (84 percent), reflecting the historic importance and the emotion of the event. The atmosphere in the polling stations was festive, especially in western Ukraine and in Kiev, yet not excessively so. Some voters waited in lines prior to the opening of the polls, eager to cast their ballots for a "free Ukraine." Popular focus was largely on the referendum as opposed to the presidential elections. Virtually every voter with whom Commission staff met claimed to have backed independence.

Voting procedures appeared to be consistent and the voting process smooth and, for the most part, well-run. Ballot boxes were sealed. Most polling stations had representatives from various political organizations. Voters entered the polling station and received the ballots after they showed their internal passports and signed a printed list of citizens who were registered on the voting lists. They would then enter the voting booth, where they would mark their ballots, then exit the booth and deposit their ballots into one box or two separate boxes (one for the referendum ballot and one for the presidential election). Polling stations also had additional, smaller ballot boxes for election officials (at least two) to take around to the residences of voters too ill or infirm to come to the polling station.

International observers, including Commission representatives, concluded that voting procedures by and large measured up to democratic standards and that the free and fair vote reflected the popular will. Representatives of the European Parliament, in a subsequent press conference, asserted that the vote reflected the true spirit of Ukraine and that all democracies should respect this expression of the will of the people.

There were some irregularities, to be sure, although observers concluded that these were generally a function of old, bad habits and an occasionally lax attitude on the part of election officials rather than any malicious intent to defraud. Violations witnessed by Commission staff who observed voting in the Kiev and Lviv regions and Kaniv (the burial

place of Ukraine's greatest poet, Taras Shevchenko) did not appear to be orchestrated. Such irregularities included: people in voting booths accompanied by others, mostly spouses; and people voting for others -- again, usually spouses -- upon presenting the spouse's internal passports. On a few occasions in small villages, people received ballots without being asked to show passports, although observers were told that there was no need to prove identification as everyone in the community knew each other. One U.S. monitor in Lviv observed a definite violation, when a member of a polling station counting the election ballots came upon a ballot with two names left blank -- and which therefore should have been invalid -- instead crossed out one candidate's name and left Chornovil's. When confronted, the vote counter said she was sure that such had been the voter's intention.

Unpleasant Incidents

According to officials of the Lviv oblast council, some *Rukh* observers sent to eastern and southern regions were not allowed to monitor the voting, and there were some cases of *Rukh* observers being beaten. *Ternopil Vecherniy* (December 4) reported that members of *Pamyat* (a Russian anti-Semitic organization) and other groups came to Kharkiv before December 1, hampered the distribution of materials supporting Chornovil and called for a boycott of the voting. According to the same source, some people distributing materials about Chornovil were attacked in Kharkiv.

Ukrainian television also reported on election night that explosives and grenades were uncovered in a Kiev synagogue, in an apparent attempt to inflame Ukrainian-Jewish relations and paint Ukrainians as anti-Semites in Western public opinion. Ukrainian television also displayed anti-independence leaflets, with a Moscow phone number appended for further information, that had been distributed in Kiev. Local sources described both incidents as blatant provocations hoping to play on inter-ethnic anxieties.

The Count and Results

The local vote counts commenced following the 8 p.m. closing of the polls. Ballots were counted at each polling station and the results passed on to the twenty-seven district commissions. These respective commissions prepared protocols and sent them to the Central Electoral Commission in Kiev for the final tally.

On December 4, the Central Electoral Commission released the final results of the referendum and presidential election. Support for Ukrainian independence exceeded even the most optimistic poll projections and expectations by Ukrainian nationalists, with even the more Russified east and south voting overwhelmingly for independence. Of the 84.1 percent of the eligible voters -- some 32 million people -- voting in the referendum, fully 90.3 percent supported the August 24 declaration of independence. The vote against independence was 7.6 percent, and 2.1 percent of the ballots cast were invalid. All in all,

over three-quarters of all eligible voters in Ukraine chose independence.

A plurality in every region in Ukraine, including Crimea, voted for independence. Support ranged from over 95 percent in western Ukraine and the Kiev oblast to 54 percent in Crimea, where ethnic Russians form a substantial majority of the population. Significantly, in industrialized but Russified eastern oblasts such as Donetsk, Kharkiv, Luhansk, Dnipropetrovsk and Zaporizhye, as well as in the southern Black Sea oblasts of Odessa, Mykolaiv and Kherson, the vote for independence exceeded 80 percent in each oblast. Two-thirds of the estimated 1.2 million Soviet military personnel stationed on Ukrainian territory backed independence.

Leonid Kravchuk handily won the presidency, with 61.59 percent of the vote. The results demonstrated that Kravchuk had convinced the electorate of his abilities, if not necessarily the sincerity of his transformation. Kravchuk gained majorities in all but four of the 25 oblasts. The runner-up, Vyacheslav Chornovil, was a distant second, winning 23.27 percent of the vote. In Lviv, where he was the native son and popular favorite, many expected a second round run-off election between Kravchuk and Chornovil but Kravchuk's margin of victory surprised observers and dashed any such hopes.

Not surprisingly, given Chornovil's reputation as a lifelong fighter for Ukrainian independence and his power base in Lviv oblast, his campaign was most successful in the three western oblasts of Lviv, Ivano-Frankivsk, and Ternopil, where he easily won majorities. Chornovil was followed by Levko Lukianenko (4.5 percent), whose strongest support was also in western Ukraine; Volodymyr Gryniov (4.2 percent), whose best showing was in the eastern oblasts of Donetsk and his native Kharkiv; Ihor Yukhnovsky (1.74 percent); and Leopold Taburiansky (0.57 percent). The total vote for candidates from the democratic opposition of Ukraine's parliament -- Chornovil, Lukianenko, Gryniov and Yukhnovsky -- amounted to one-third of the total votes cast.

The mood of the populace both on election day and following the results can best be characterized as one of quiet pride. Commission staff spoke to voters who had spent years in Siberia and who wept as they described their happiness at having lived to see the day and their grief over family and friends who did not. Voters recognized that they have finally realized their age-old dream of independence, and that they achieved this through democratic, peaceful means. At the same time, they appreciated the difficulties that lie ahead, especially in the economic sphere, and appeared to realize that formidable tasks lie ahead in building on the ruins of the discredited empire a fully democratic state based on the rule of law.

POLITICAL IMPLICATIONS OF UKRAINE'S REFERENDUM/ELECTION

On its most basic level, Ukraine's independence represents the triumph of a people's national consciousness and the fulfillment of hopes nurtured for centuries, despite denationalizing and sometimes murderous campaigns by Russian and Soviet leaders determined to keep the rich Ukraine under Russian control. At the same time, Ukraine's determined but peaceful path to independence thus far fosters optimism about its future progress towards democracy, a free market system and not least, Western political recognition and economic investment. Considering the nightmare scenarios some Western analysts and high-ranking officials had projected about the critical importance of Ukraine in the breakup of the Soviet Union, the republic's emergence into the international community has been remarkably orderly. Nevertheless, Ukraine faces many challenges on the path to democracy, stability, free markets and good relations with its neighbors. For the West, the presence of a large new state in Europe with its own security agenda and foreign policy priorities raises many pressing questions and issues.

Ukrainian Independence and International Security

Undoubtedly, the number one question on the minds of Western governments relates to the nuclear weapons on Ukraine's territory, which raise concerns about nuclear proliferation and loss of control over weapons of mass destruction. After a series of occasionally contradictory signals from Ukraine about the republic's intentions with respect to nuclear weapons, Leonid Kravchuk assured U.S. Secretary of State James Baker on December 18 that Ukraine would be nuclear-free, and requested U.S. assistance in dismantling strategic and tactical nuclear weapons.

Baker later said that Kravchuk's pledge was reassuring. But if the other nuclear-armed former Soviet republics maintain their forces, Ukraine might be tempted not to disarm or to slow down the tempo towards disarmament. Yet Russia will be hesitant to give up its nuclear weapons and status as a military superpower, especially considering its long border with China. The logic of nuclear deterrence, which many credit for having kept the peace during the Cold War between East and West, may seem equally persuasive to newly independent republics surrounded by potential aggressors.

Similar dilemmas could surround the conventional aspects of military security in the new Europe. The Warsaw Pact which negotiated the CFE treaty no longer exists, but Western CSCE states insist on the continuing validity of the agreement, even though the central Soviet government is defunct. But Ukraine, which has pledged adherence to the treaty's provision's on reductions in forces, will have to work out with its neighbors how to divide these cuts. This could complicate Ukraine's stated intention of creating its own military force; Ukrainian leaders originally spoke of an army of up to 450,000 -- which, while a significant drop from the current levels of Soviet forces in the republic, nevertheless evoked expressions of alarm from some Western states, and Ukrainian

This report is based on their observations and conversations with officials and representatives of unofficial groups, supplemented by press reportage. It also represents a continuing extension of Helsinki Commission involvement in Central Asia, a hitherto neglected region that has now entered the CSCE -- and into CSCE politics.

BACKGROUND

Demography: Uzbekistan's 20 million residents make it the third most populous of the former Soviet republics and the most populous Central Asian republic. Uzbeks comprise about 70 percent of the population, and are the most numerous Asian people in the former Soviet Union. Over 8 percent of the population are Russians, most of whom live in the capital, Tashkent. Other Central Asians make up 10 percent, with Tatars, Germans, Koreans and others constituting the remainder.

History: Before the Russian Empire colonized the region in the 19th century, Central Asia was ruled for centuries by a succession of various emirs, khans and princes. Most prominent was Tamerlane, who conquered a vast empire in the 14th century and built his capital at Samarkand, which still contains some of the finest examples of Islamic architecture. At the time of the Russian conquest, there were three separate, autonomously ruled territories in the region: an Emirate centered in the city of Bukhara, and two Khanates centered in Khiva and Kokand. Today's Republic of Uzbekistan encompasses parts of the territory of all three of these entities. At the turn of the century, a reform movement encompassing religion, politics and culture developed in Central Asia, led by Muslim (mainly Tatar) intellectuals. However, during the Bolshevik Revolution and Civil War, the battle between largely Uzbek anti-Bolshevik groups and largely Russian pro-Bolshevik forces was decided by the Red Army, which ultimately took control of Central Asia. The Uzbek Soviet Socialist Republic came into existence in October 1924.

Economy and Environment: Uzbekistan's economy is largely agricultural and cotton is the dominant crop. The Kremlin's determination to make the Soviet Union self-sufficient in cotton led planners to set aside a high percentage of the land in all Central Asian republics to cotton. Today, nearly 75 percent of the arable land in Uzbekistan serves this purpose, and the republic supplied over 60 per cent of the former Soviet Union's cotton.

The excessive planting of this one crop, known as the "monoculture" system, has come to represent for all Central Asians, and particularly the Uzbeks, Russian domination and exploitation of their economy and livelihood. Cotton-growing demands considerable amounts of water and Uzbekistan's largely desert terrain required extensive irrigation schemes that have led, over decades, to the virtual depletion of the Aral Sea, formerly the fourth largest inland body of water in the world and the primary source of water for all of Central Asia. Since 1960 the sea has lost 65 percent of its original contents and has shrunk to 40 percent of its initial size.

The sea's shrinkage has resulted in environmental devastation and, along with the overuse of dangerous chemical pesticides, has dramatically lowered the health standards of Uzbekistan's very large rural population (nearly 60 percent of the total). As elsewhere in the former USSR in the late 1980s, environmental degradation had profound political

consequences: the opposition movement *Birlık* ("Unity") arose in large part as a protest against the over-planting of cotton, especially as its harmful consequences became more widely known under glasnost.

Politics: Uzbekistan's December 29 referendum on independence and presidential election were the last exercises in balloting in a former Soviet republic in 1991.* But the referendum and the presidential election were not equally significant.

Like the other heads of the Central Asian republics, President Karimov never favored the breakup of the USSR, and during the August 1991 coup attempt, stressed the need for order and discipline. The putsch's failure therefore created an uncomfortable situation for Uzbekistan's leadership, and its Supreme Soviet declared independence on August 31 -- after most European republics, but earlier than most Central Asian republics. Given the demise of the USSR, the emergence of the Commonwealth of Independent States, and Mikhail Gorbachev's resignation on December 25, Uzbekistan's December 29 referendum on independence seemed to some commentators unnecessary or, possibly, an effort to copy other republics. The republic's officials, for their part, fully understood that there was no longer a state entity from which to declare independence. Nevertheless, they explained, the Supreme Soviet decided to hold a referendum so that the people could express their opinion on the deputies' declaration of independence, despite the leadership's confidence that people would vote affirmatively. Some foreign observers asked what would happen if the vote went against independence, but Uzbek officials laughed off the prospect as inconceivable.

Far more important was the presidential election: the first direct, contested election for president in Uzbekistan's history. Such elections had already taken place in most of the former Soviet republics (though not yet in the Baltic States), so it was not surprising that Uzbekistan should hold one as well. More unexpected was the presence of a rival to the current president Islam Karimov, considering the republic's conservative practices and reputation, and the failure of all Central Asian republics except Tajikistan to hold contested elections.**

* Azerbaijan also held a referendum on independence on December 29, but its presidential election took place on September 8.

** Turkmenistan's president, Saparmurad Niyazov, was elected in 1990 without any opposition. In Kyrgyzstan's October 1991 presidential election, reformer Askar Akayev -- the only president of a Central Asian republic who had not previously headed the republic's Communist Party -- had no challengers. Kazakhstan's Nursultan Nazarbaev ran unopposed in December 1991; according to opposition sources, 40,000 signatures supporting the candidacy of a would-be opposition candidate "mysteriously" disappeared before they could be delivered to the republic's Supreme Soviet.

Karimov, former head of the republic's former Communist Party, had been elected president of Uzbekistan by the Communist Party-dominated Supreme Soviet in March 1990. After Boris Yeltsin banned the Communist Party in the wake of the failed August 1991 coup, other republics did the same, including Uzbekistan, whose leaders subsequently created the People's-Democratic Party. Karimov heads the party, which, along with Uzbekistan's trade unions, nominated him in the December 29 election.

The presidential election appears to have had several purposes: to put Karimov on the same plane as other presidents of former Soviet republics who had won popular elections, which would strengthen his position in his dealings with them; to consolidate his position inside Uzbekistan vis-a-vis potential rivals, as well as other established institutions of power, such as the remnants of the Communist Party and, to a lesser degree, the legislature; and, to enhance Karimov's authority and legitimacy through a victory in a contested election, which would appeal to Western states and could justify Karimov's claim to enjoy popular support in the face of the growing influence of Uzbekistan's opposition.

Opposition: Uzbekistan's largest opposition group is the movement *Birlik*, founded in May 1989. The movement emerged from a series of rallies and demonstrations whose participants demanded environmental protection, greater sovereignty for Uzbekistan and that Uzbek be made the republic's state language. *Birlik*'s supporters have ranged across the political spectrum, from social democrats to more nationalist-oriented groups. Its leading founders included Abdurrahim Pulatov, Muhammad Salih and Shukhrat Ismatullaev. Pulatov, the current co-chairman, is a computer scientist from Tashkent.

One year later, several *Birlik* leaders, including Salih, broke away and created their own political party "*Erk*" ("will" or "freedom"). They cited disagreement over methods as the cause of the split, suggesting that *Birlik*'s tactics were unnecessarily confrontational, but personal differences among them -- which persist -- almost certainly were an important factor. Both organizations maintained similar goals, however, including the development of a pluralist and secular democratic system in Uzbekistan and a mixed economy.

Erk won registration in September 1991. The authorities registered *Birlik* in November 1991, and only as a movement, not as a party (see below). But while *Erk* and *Birlik* were allowed to organize, they have not been free to maneuver. Opposition leaders have complained from the beginning of their inability to gain access to the media, under state and (until September 1991) Communist Party control. The police closed *Birlik*'s headquarters, a small two-room office, in spring 1991 and the movement has since had to operate out of one room at the Uzbek Writers' Union. Its leaders endure frequent harassment, such as temporary detention and fines. Demonstrations, the main type of protest open to opposition groups, have virtually been banned since 1989, though unofficial rallies have occurred sporadically.

Recently, *Erk* was given a large headquarters in the center of Tashkent. This has fueled earlier rumors, which *Birlik* leaders believe and propagate, that *Erk* is the government's "chosen opposition" and has been granted privileges in order to enhance the regime's credibility and to create the appearance of democratization. *Erk*'s leaders, however, remain critical of the government and continue to fight for more genuine reform.

Commission staff spoke with Aliboi Iulyakhshiev, *Birlik* chairman in Samarkand. He worked together with *Erk* for Salih's candidacy, explaining that in Samarkand, the groups cooperated well, unlike in Tashkent. But he said that *Erk* should not have put forth its own candidate, and that it would have been preferable to nominate a "neutral" candidate whom both *Birlik* and *Erk* supporters could have enthusiastically endorsed.

The general situation for opposition groups like *Birlik* is still very difficult, said Iulyakhshiev. Samarkand's authorities let the group meet informally, but still will not allow them to organize their activities. They appear to be conciliatory, he explained, but in fact work to undermine them. He and his colleagues are routinely harassed. For example, Iulyakhshiev and another *Birlik* activist were "exiled" from Uzbekistan to Ukraine for six months last year, ostensibly for professional training, but their departure was involuntary. *Birlik* in Samarkand still has no headquarters, he said, and managed to put out a newspaper only four times in 1990, with a circulation of three hundred.

The other group with an apparently large following in Uzbekistan is the Islamic Renaissance Party (IRP), which is banned (it is legal only in Tajikistan). Commission staff was unable to meet with its representatives, as the party was reportedly holding a meeting in conspiratorial circumstances. According to *Birlik* and *Erk* spokesmen, the IRP is gaining influence -- a prospect that worries these secular-oriented political activists in Moslem Central Asia. In fact, Muhammad Salih flatly opposes the registration of the IRP. Abdurrahim Pulatov says *Birlik* has better relations with the IRP but he warns that unless Uzbekistan launches the necessary political and economic reforms, an Islamic based socio-economic explosion could sweep away both the current leadership and its opposition.

THE PRESIDENTIAL ELECTION AND REFERENDUM

The Candidates' Platforms

Colorful posters were printed of both candidates and reportedly placed up around the republic, though few were visible in Tashkent. The poster contained a picture of the candidates, a short biography and a brief outline of their political platforms, the latter two in both Uzbek and Russian. Both candidates advocated Uzbekistan's independence, of course, and their programs emphasized domestic matters.

Karimov: The incumbent president declared that Uzbekistan would determine its own fate, develop independent ties with foreign countries, and control its own resources for the good of its citizens, whose spiritual regeneration was an important policy goal. Karimov called for guaranteed freedom of conscience and the equality of all republic residents, including their civil rights, as well as respect for their national languages, culture and traditions. He assured voters that Uzbekistan would maintain harmonious relations with all the states of the Commonwealth.

The program promised full economic freedom for industries and other businesses, along with "equal opportunities for all forms of ownership," i.e., private property. But Karimov pointedly stressed the need for "discipline and order," stability and civil peace as Uzbekistan introduced a market economy.

Salih: The challenger, as opposed to emphasizing stability, urged the complete, non-violent transformation of the political and economic system of Uzbekistan. Salih advocated separating the legislative, executive and judicial branches of power, and creating a system of local authorities who would be elected by popular vote in multi-party elections. He offered specific guarantees for freedom of conscience, speech, the press, assembly and movement. Salih pointedly called for returning expropriated mosques and churches to believers and defending their rights. He described as an "absolute priority" the defense of personal freedom, declaring the inviolability of personal freedom, dwelling, property, and the privacy of citizens' mail and telephones.

Salih also proclaimed his unequivocal support for the introduction of a market economy. He backed the equality of private and other forms of ownership, and the removal of all barriers to business and enterprise.

The Candidates' Relative Strength and Prospects

It is unclear how much support Karimov, Salih and *Birlik* and its leaders have in Uzbekistan. There are no public opinion surveys and no free media in which to discuss this issue. Nor are opposition groups free to organize and hold rallies and demonstrations. On the other hand, the incumbent was well known to the electorate, and however discontented people may be with deteriorating living standards, Karimov had exclusive control of patronage possibilities and he and his program represented the familiar in a sea of troubling unknowns to a largely traditional populace, accustomed to strongman rule from the top. In this light, the election could have offered a means of determining the level of popular backing for the incumbent president and his rivals. For reasons outlined below, however, the campaign, balloting and results did not really do so, except by implication.

Election Rules and Procedures

Uzbekistan's election and referendum took place under guidelines laid down in the republic's election law, which was passed on November 18, but was published only on November 23 in the republic press. The law provided for the creation of a Central Election Commission (CEC) to organize the December 29 election and referendum.

THE CEC AND ITS MEMBERSHIP: The election law stipulated that, in confirming the members of the CEC, the Supreme Soviet should "take into account" the opinion of leaders of registered political parties and social movements. *Pravda Vostoka* on November 26 published the names, occupations and positions of the 31 members of the CEC, without listing party or organizational affiliations. It appears, despite assurances by CEC chairman Akhmedov to foreign observers to the contrary, that the CEC included no representatives of *Birlik* or *Erk*, as such information would have come under "position."

REGIONAL AND LOCAL ELECTORAL COMMISSIONS: The CEC established 13 regional electoral commissions, including each of Uzbekistan's oblasts, the autonomous republic of Karakalpakstan and the city of Tashkent. CEC chairman Akhmedov said that all social movements and registered political parties were represented in these commissions. On the local level, the CEC also created almost 7,000 polling stations, each of which was supposed to accommodate a maximum of 3,000 voters, in a republic with about 10,500,000 eligible voters. The election law stipulated that these local commissions should also include representatives of all registered political parties and social movements.

CAMPAIGN FINANCING: All of the candidates' expenses were paid for by the republic. The law prohibited contributions from abroad, including other former Soviet republics. Individual campaign contributions from citizens of Uzbekistan went to the CEC, which, according to the election law, was to allocate all funds equally between the two contenders. CEC chairman Akhmedov told foreign observers that his commission had strictly observed this provision of the law.

ACCESS TO MEDIA: The election law specified that all candidates should have equal access to the mass media, including radio and television. But a brief perusal of some local newspapers before the election shows how the state-controlled press promoted Karimov's candidacy in a contested election portrayed as a turning point in the evolution of democracy in Uzbekistan. The "everything-is-fine" approach of pre-glasnost days is long gone, of course; instead, the media openly acknowledged the extent of the republic's problems and propagated the idea that only Karimov could cope with them.

In the December 28 issue of *Narodnoe Slovo*, the Russian-language paper of Uzbekistan's Supreme Soviet, a student praised the incumbent as a leader

"who has a wealth of experience working with people, who is competent in economic matters, who is well oriented to the situation in the republic and in society and who has shown himself to be an unshakable defender of internationalism....Ask your mothers and fathers if they have not felt the effects of the actions and care of Islam Abduganievich [Karimov, who] is in his rightful place and there is no alternative to him...

This same article concludes with an illuminating appeal to Karimov, urging that he not allow "ultra-democratization, ultra-glasnost....create a powerful presidential council that can assuredly keep control of the situation. Strong authority and mighty executive power are necessary...Don't allow our capital, Tashkent, to be turned into a second Moscow, where anarchy, crime and constant demonstrations reign."

The December 26, 1991 issue of *Vecherniy Tashkent*, the main Tashkent newspaper, contained letters from pensioners, who wrote:

Life is not easy these days. It is difficult for us even to go out for bread...We decided to write to say that we are not without protection. Islam Abduganievich is working to protect us, the pensioners, lonely and sick people. We thank him for relieving the lot of poor people, those with large families, war veterans and laborers. The benefits that we have in obtaining apartments, travelling on city transport--this is his doing....We wish Islam Karimov success in his service for the good of the people."

The Uzbek-language press carried similar encomiums about Karimov. A December 28 article in *Khalq Sozi* (People's Word) on Karimov's meeting with voters concluded by stating that those who attended the meeting unanimously invited all Tashkent voters to vote for Karimov. In contrast to these laudatory statements and expressions of gratitude to Karimov, Muhammad Salih received virtually no mention in the newspapers read by Commission staff.

REGISTERING CANDIDATES: A critically important aspect of Uzbekistan's presidential election were the law's provisions on registering candidates nominated by social organizations. In view of the ensuing controversy over this issue between the authorities and *Birlik*, it is worth examining the law and its implementation in detail.

Registered political parties could nominate candidates without any supporting signatures. The two candidates nominated by political parties -- Karimov (by the People's Democratic Party) and Muhammad Salih (*Erk*) were registered on November 25.

Social movements, however, needed 60,000 signatures to register a candidate. This distinction between parties and movements set Uzbekistan apart from the Baltic States and

many other former Soviet republics, such as Russia or Georgia, where movements, such as the Estonian Popular Front, Democratic Russia or the Ilya Chavchavadze Society, could nominate candidates on the same basis as parties.

According to a report in *Narodnoe Slovo* (November 23), the CEC set procedures for gathering signatures at its initial meeting on November 22. A separate item in the same newspaper stipulated that all 60,000 signatures had to be presented to the CEC no later than December 3. Only on November 26, however, were proper procedures for gathering signatures published. The provisions required those wanting to hold a meeting to nominate candidates to inform the authorities of their intentions three days in advance. They then had to deliver the necessary documentation to the Presidium of the Supreme Soviet, which had two days to issue a decision on registering the initiative group. Only after receiving official registration could such initiative groups begin gathering signatures.

At best, therefore, a social organization could hold a meeting on Friday, November 29 (after having given the authorities three days' notice). If the authorities then took two days to register an initiative group, the earliest date to begin gathering signatures would have been Monday, December 2 -- the intervening two days being non-working days -- for required delivery to the CEC by the next day. In short, the election law gave social organizations one day to gather 60,000 signatures.

In fact, the odds were stacked even higher against social organizations. The published procedures for gathering the required signatures said nothing about where the signatures could or had to be gathered. But the authorities subsequently insisted, as the deputy chairman of Tashkent's city soviet confirmed to Helsinki Commission staff, that all the signatures had to come from the electoral district in which the initiative group was registered. *Consequently, social organizations had one day to gather 60,000 signatures in one electoral district*, even though they hoped to nominate a candidate for the presidency of the entire republic.

VOTING ELIGIBILITY: All residents at least 18 years old registered in Uzbekistan could vote; there were no residence restrictions. Those absent from their voting districts on December 29 could vote before, by placing their filled-out ballot in an envelope and leaving it in their local polling station.

Troops of the former Soviet army stationed in Uzbekistan could vote. Uzbek officials claimed the soldiers accounted for no more than one to two percent of voters.

The law stipulated that individuals had to cast their own ballots and had only one vote. *Vechniy Tashkent* on December 26 warned against what obviously is an old custom in Uzbekistan's elections: "Let us repeat: ballots received on behalf of other people, whether family members or neighbors, will be considered invalid and will not be counted in the results." This is worth stressing in view of what actually transpired on election day.

LOCAL OBSERVERS: The law authorized observers from registered social movements and political parties to monitor the voting and the vote count. They needed only a document from the organization they represented to enter polling stations, which they could visit without any warning.

FOREIGN OBSERVERS: Uzbekistan's Supreme Soviet invited foreign observers to the December 29 balloting. Observers came from Malaysia, Russia, Belarus, Kazakhstan, Tajikistan, Kyrgyzstan, Estonia and Turkey, in addition to Helsinki Commission staff. Surprisingly, there were no Western reporters present -- they were probably all in Minsk, for the meeting that weekend of the heads of Commonwealth states.

Protests

CEC chairman Akhmedov asserted there were no major protests against campaign procedures. But Uzbekistan's presidential election evoked strong protests and claims of unfairness, both from the candidate who succeeded in getting registered, Muhammad Salih, leader of *Erk*, and from the would-be candidate, Abdurrahim Pulatov, chairman of *Birlik*.

Erk issued a statement detailing complaints about the campaign and the voting. These included: the failure to include representatives of *Erk* and other opposition parties in electoral commissions on all levels; the assistance rendered to Karimov by election officials, who impeded Salih's efforts to meet with voters and rarely distributed his materials; the preference shown to Karimov in republic media, which aired his speeches and meetings with voters, but which, in the 40 days of the campaign, granted Salih only 15 minutes on television -- of which censors cut two minutes.

Erk further charged that the republic media -- even though censorship has officially been abolished in Uzbekistan -- refused to print any information about violations of the election law or criticism of the government, while heavily censoring *Erk's* newspaper. *Erk* also complained about the piddling financial resources assigned to Salih's campaign, despite the CEC's obligation to distribute funds to candidates equally. The movement's spokesmen acknowledged that Karimov, as republic leader, would enjoy the advantages of incumbency and said they did not object if the media portrayed him in his presidential duties, but, they said, "most of the information in the media is about him."

As for the balloting and vote count, *Erk* contended that polling stations had received 20-30 percent more ballots than needed, and, to make the point, handed Commission staff a large stack of ballots, which, they said, their supporters had swiped from a polling place. *Erk* alleged that election officials everywhere allowed people to vote for others, while in some polling stations, they refused entry to *Erk's* observers and occasionally ejected them by force. As a result, *Erk* and other opposition groups could not observe the vote count, which, Salih maintained, had been thoroughly falsified. Some of his lieutenants from the Ferghana Valley related that they had to negotiate with

election officials over the degree of falsification. In one case, they claimed that Salih had won about 65 percent of the vote. The authorities wanted to give him some 45 percent, but were bargained up to 58 percent.

If *Erk's* complaints centered on violations of the election law and the inequality of the candidates, *Birlik* accused the authorities of depriving the movement's nominee, chairman Abdurrahim Pulatov, of the chance to run at all. Articles in the December 1991 *Nezavisimyy Ezhenedelnik* [Independent Weekly], *Birlik's* Russian-language newspaper, explained at some length the movement's position on the unfairness of the election. The complaints center on the shortness of time -- one day -- allotted for gathering a large number of signatures, and the last-second amendment to the rules authorized by the chairman of the Central Election Commission, who, in a telegram to Tashkent city authorities, stipulated that all 60,000 signatures had to be collected in the same electoral district in which the initiative group was registered.

Birlik's leaders claim that despite all the impediments placed in their path, they managed to gather over 60,000 signatures by the December 3 deadline, though only some 25,000 were from the Tashkent electoral district (the rest coming from the Ferghana Valley). But they asserted that nobody at the Tashkent city soviet was present to accept their signatures, and the next day, the authorities refused to accept them, claiming it was too late to deliver them.

In an interview with Helsinki Commission staff, the deputy chairman of Tashkent's City Soviet rejected all of *Birlik's* allegations and arguments. She claimed that she and her staff were at their offices, waiting for *Birlik's* representatives to appear and bring the signatures, but they never arrived.

Birlik's leaders say that they understood the uselessness of trying to enter a candidate in the presidential election, but decided to try anyway, in order to unmask the ulterior motives and machinations of the authorities. They saw the election results as pre-determined, and described Muhammad Salih's candidacy as a clever ploy by Uzbekistan's rulers to create the impression of developing democracy. *Birlik* appealed to Karimov and Salih to renounce their candidacies and to cooperate with the opposition in arranging new, truly democratic elections.

Theoretically, *Birlik* could have entered a candidate without gathering the 60,000 signatures, if it were not a movement but a registered political party. Supreme Soviet Chairman Yuldashev said he had advised Pulatov to register *Birlik* as a party, in order to facilitate his own registration as a presidential candidate. But *Birlik* has yet to win registration as a party. Yuldashev conjectured to observers that the reason was a lack of popular support; he doubted that *Birlik* could gather the 3,000 votes needed to register a political party in Uzbekistan. According to *Birlik*, however, the authorities refused to register a party under the same name as the movement, which itself only received

registration on November 11, 1991 -- over two years after coming into existence. *Birlik's* account was confirmed in *Pravda Vostoka* (November 26), which reported that the Ministry of Justice on November 25 had refused to register *Birlik* as a party, since a social organization under the same name had been previously registered.

The registration of *Birlik* as a social movement so soon before the election raises questions about the authorities' motives, especially as Karimov, according to an October 31 Radio Liberty report, had stated earlier in the year that he doubted *Birlik* would ever gain registration. On the other hand, the movement's leaders could theoretically have registered the party under a different name, and they claim to have tried: Pulatov and others argued that there were slight differences between the formal names of the movement *Birlik* and the party they tried to register under a similar, but not identical name.

As if matters were not plain enough, *Birlik's* leaders point to an official statement they received on November 11 -- the same day they won registration as a movement -- from the republic's Ministry of Justice that flatly prohibited *Birlik* from entering a candidate in the presidential race. They maintain that no matter how many regulations they complied with, the authorities would have found some pretext to keep Pulatov from entering the race.

It is impossible not to agree with them.*** The evidence indicates that Uzbekistan's authorities were determined to keep *Birlik* chairman Abdurrahim Pulatov from entering the presidential race. Less clear, however, is why they made that decision, in light of their control of the state's apparatus and their related ability to influence the outcome of an election, if they so desired, as well as the likelihood of Karimov's victory in any case.

The Voting

Accompanied by Uzbek Supreme Soviet officials, who also provided transportation, Helsinki Commission staff members visited over half a dozen polling stations in Tashkent (some of which had enormous buffets). Voters brought their passports to polling stations and signed on prepared voters' lists for the two ballots they received (three in Tashkent, where a one-candidate election for mayor was also taking place). They took the ballots into a curtained booth, made their choice and deposited the ballots into boxes on the other side of the booths.

*** Commission staff was astonished to learn from *Birlik* that of all the election monitors present, only the American observers had spoken to *Birlik* representatives to hear their version of Pulatov's exclusion from the race.

The question on the referendum ballot read "Do you approve of the state independence of the Republic of Uzbekistan declared by the Supreme Soviet of the Republic of Uzbekistan?" Voters were to cross out "Yes" or "No" boxes.

The presidential ballot instructed voters to cross out the name of the candidates they were voting against and listed the two candidates, their year of birth and current position. Ballots on which more than one candidate's name was left intact were invalid.

Asked by Commission staff about their preferences, voters replied that they would vote for Karimov. "We know him," they said, often adding that Salih was too young (41) to be president (Karimov is 53). Commission staff was struck by the uniformity of the pro-Karimov responses, which often sounded like themes from newspaper articles. On the other hand, Salih and his associates pointed out that in a republic like Uzbekistan, voters would never publicly tell strangers -- who were obviously foreigners -- that they intended to vote for anyone other than the incumbent.

Violations

In several polling stations, observers from *Erk* or *Birlik* complained that local election commissions did not include any opposition supporters. But Commission staff personally witnessed numerous violations of Article III of the election law, which stipulated that individuals could not vote for anyone else and could only have one vote. There were many voters in polling stations visited with more than one set of ballots, which they were filling out and depositing. The chairman of a polling station, when questioned, openly acknowledged that more than one ballot was handed to voters, a practice he described as "old bad habit." He added that he expected to receive more than one ballot when he went to his own polling station to vote.

One man with three sets of ballots said, when asked why he had so many, that he was voting for his elderly parents. He knew that polling station officials would send people with an urn to collect his parents' ballots, but he did not want to disturb them. As for the polling station officials, he added, "they know me and my parents, so there's no problem."

Other election observers recounted similar stories. In light of their reports and statements made by polling station officials, it is clear that many voters on December 29 cast ballots for other people. But as mentioned above, such practices have long been standard in Soviet elections, in which voting was widely considered an annoying burden, and participation was made compulsory by official pressure to produce overwhelming majorities in support of Communist Party policy. In the Baltic States and in some former Soviet republics, where Commission staff has observed voting since 1990, voting for others has greatly diminished or disappeared (and the popular attitude towards elections and voting has changed). In Uzbekistan, the practice has obviously survived through the

republic's 1990 parliamentary elections and Mikhail Gorbachev's March 1991 All-Union referendum to the present.

The Vote Count

Commission staff observed the vote count at a polling place in Tashkent. At the close of voting at 8 p.m., the sealed ballot box was opened and the ballots dumped on to a large table, whereupon members of the election commission separated them into piles and counted them. Ballots for president which were not marked, or had both candidates names crossed out, were invalidated. Polling station officials counted the piles from the three different races twice and wrote the totals on protocols which they all signed and then delivered to the district election office. The count at this particular polling station was conducted according to normal procedures and staff noted no irregularities. The results were as follows:

Referendum on Independence: 1774 for, 207 against

Tashkent Mayoral Election: 1728 for, 304 against

Presidential Election: 2058 for Karimov; 143 for Salih; 76 not marked

The surprisingly large number of ballots against the only candidate in the mayoral election suggested a small protest vote. There was also a considerable minority of votes *against* independence, probably reflecting the apprehension of Tashkent's many Russians about Uzbekistan's independence. Finally, staff observed one ballot, quite by chance, on which Salih's name was crossed out (a vote against him) but with the following note: "Don't be angry--it's still too soon for you."

Results

According to the final results, over 94 percent of eligible voters had taken part in the election. 98 percent of them voted for independence; 86 percent of participating voters cast ballots for Islam Karimov. Muhammad Salih won 12 percent of the votes cast.

IMPLICATIONS OF THE REFERENDUM AND PRESIDENTIAL ELECTION

General Remarks: Given the dissolution of the Soviet Union, the creation of the Commonwealth of Independent States, and the recognition of Uzbekistan by many countries, the referendum on independence had little significance. Far more important was the presidential election, both for what it did and for what it did not do.

The December 29 balloting was the first multi-candidate, direct presidential vote in Uzbekistan's history. Muhammad Salih's candidacy was a landmark event; it formally sanctioned multi-candidate elections as the only proper means of winning Uzbekistan's highest post, which previously had been filled by power struggles inside the republic's

Communist Party, with the Kremlin retaining veto power over anyone it deemed unsuitable. By establishing direct elections as the means of gaining power, authority and legitimacy, and by allowing a candidate with a non-communist past to run, Uzbekistan's leaders have established a precedent, which may be only a first step towards more democratic practices and fairer elections -- irrespective of their wishes, fears and expectations.

On the other hand, the election could hardly be considered fair: Karimov not only had at his disposal the republic's state apparatus, he unquestionably controlled the media, which he exploited to the hilt and to the disadvantage of his rival. The two candidates were never on even ground, even conceding the perks of incumbency, Karimov's familiarity to the voters and his ability to point to things he had done for them -- not to mention charges of vote-rigging.

Even more striking than the contested race was the careful exclusion of *Birlik* leader Abdurrahim Pulatov. Other Central Asian leaders had managed to hold uncontested presidential elections and Karimov could probably have done so as well. Allowing Salih to run, therefore, seems to have been an experiment in controlled democratization in which Pulatov must have seemed too dangerous a rival to include, even allowing for possibilities to influence the outcome. Uzbekistan's leadership apparently decided that permitting Pulatov to run might have opened the political process too wide and mobilized and galvanized opposition-minded people beyond the government's means to contain them.

Chairman of the Supreme Soviet Yuldashev told foreign observers that perestroika and glasnost and all the changes in the former Soviet Union since 1985 were "hard for us. We're taking the first difficult steps after all we've gone through, we're just starting." He asked observers to keep in mind Uzbekistan's "specific characteristics" as they visited polling places and drew conclusions about the voting. Yuldashev's remarks recalled statements made in Russia and other former Soviet republics in 1989-90, when elections to the all-Union Congress of People's Deputies and, later, republic Supreme Soviets took place. The subsequent course of political developments in those republics is well known; whether Uzbekistan's leaders will be able to contain and control democratization and retain their hold on power is the central question of Uzbekistan's politics.

Karimov's Position: Islam Karimov has won a five-year term (the election law limits presidential tenure to two consecutive terms). His 86 percent total is a curious figure: no longer in the 90th percentile, as old-style elections would have dictated, but sufficiently impressive to claim overwhelming popular support. Perhaps most interesting in this regard is the estimate by Muhammad Salih, who, despite alleging massive vote fraud, conjectured to Helsinki Commission staff that he had actually won about 30 percent of the vote, as opposed to the 12 percent he was "given." In short, Karimov's only rival conceded that a large plurality of Uzbekistan's electorate preferred Karimov. How these figures would have been affected by the entry of Pulatov in the race we cannot know.

As a result of the December 29 voting, Uzbekistan and its president are now on an equal plane with other former Soviet republics and their presidents as the newly constituted Commonwealth of Independent States (CIS) struggles to develop an identity. Uzbekistan's role in the CIS depends, of course, on whether, how long and in what form it survives, but the republic's leaders, given their economic woes, probably favor remaining part of some Commonwealth as an independent member. They may, however, join other Central Asian republics in a regional union if membership in the CIS offers more disadvantages than benefits. At home, meanwhile, Karimov can claim to have won a popular mandate for his stated policies of reform and stability.

Domestic Politics: Supreme Soviet Chairman Yuldashev said that enhanced presidential power would not lead to weakening of the republic's parliament. Nor, he added, would conflict between the executive and legislative branch be permitted, since "the people would suffer." It seems, therefore, that Karimov intends to formulate and implement policy in collaboration with the legislators who originally elected him president in 1990. The concept that conflicts between political institutions, as opposed to intra-institutional conflict, are a natural feature of democracy has apparently not yet made much headway among Uzbekistan's leaders, or people.

One important question facing Uzbekistan -- and most other former Soviet republics -- is whether to hold new parliamentary elections. The Baltic States and all Soviet republics elected new parliaments in 1990 under conditions of Communist Party dominance, which often created bloated legislatures, many of whose deputies are at best ambivalent about the political and economic reforms now underway. More reformist, or more capable, deputies are now needed. Besides, elected leaders may seek scapegoats for economic hardships endured by their constituents.

Pulatov told Commission staff that should there be new parliamentary elections, *Birlik* would pull out all the stops to prevent its exclusion, since influence on the legislature would be a "matter of life and death." Any attempt to exclude *Birlik* from a parliamentary election could therefore lead to serious disturbances.

Alternatively, Karimov could consider a "cleaner," simpler (and cheaper) approach by copying Azerbaijani president Ayaz Mutalibov. Rather than hold new elections, Mutalibov simply cut a deal with the opposition Popular Front. The result was a small (50-member) legislature, half of whose members were Mutalibov backers, the other half were chosen by the Popular Front.

Karimov may, however, do neither, preferring to keep the opposition excluded from power and not risking an unpredictable election. Still, if falling living standards produce widespread discontent, Karimov could be pressured into concessions or might decide to share the blame and responsibility with the opposition. This could also be one way of keeping the banned Islamic Renaissance Party out of the open political arena -- which

Uzbekistan's leaders may think is more important than ever, in light of recent events in Algeria and Tunisia.

Economic Reform: A critical determinant of stability in Uzbekistan is the economy, and the economic situation is extremely worrying, as the republic press openly acknowledges. *Pravda Vostoka* on December 31 reported that energy supplies were down fully 10 percent. *Vecherniy Tashkent* (December 30) discussed the worsening economic situation in the republic, and the director of a dairy production enterprise said that improvements were possible only with "extreme measures." According to Supreme Soviet Chairman Yuldashev, half of Uzbekistan's population lives below the poverty level.

Like all former Soviet republics, Uzbekistan requires major economic restructuring, but its economy is particularly unbalanced, given the decades-long overemphasis on cotton production. Industry is weakly developed and mostly run by Slavs. The development of a market economy would mean breaking up the state and collective farm system, which would strike at one bulwark of the republic's power elite, the privatization of the service sector and consumer goods, and an economic reform that eliminates the monopoly enjoyed by producers. This, in turn, requires a major change in popular mentality, as well as policy; retraining a largely peasant population will be difficult and expensive.

Thus far, little fundamental reform has taken place. A major change recently undertaken concerned prices: in anticipation of substantial price hikes, President Karimov authorized raising salaries as of January 1992 to twice the 1991 levels for people employed in education, health care, culture and state institutions. Students received slightly higher pay hikes.

This preventive measure proved ineffective: disturbances broke out in Tashkent on January 16, as angry students protested the price hikes and soon began demanding Karimov's resignation. Special militia forces opened fire, killing an indeterminate number: students claim 21 victims, officials admit that "several students perished." The authorities also quickly announced that prices in student cafeterias would revert to their previous levels. Karimov, meanwhile, has absolved the students of any wrongdoing and blamed the demonstrations on a conspiracy in the "ruling circles" to oust him.

Obviously, any economic reform in Uzbekistan must contend with official fears of renewed popular protests against falling living standards. Uzbekistan is caught in the classic dilemma between economic growth and political stability. Nor is this the only dilemma facing the republic's leaders: their hopes for economic development will also have to take into account the republic's woeful environmental condition. *Pravda Vostoka* on December 31 reported that fines for damaging the environment had been raised and prison terms might also await those found guilty of such abuses.

Inter-Ethnic Relations: Supreme Soviet Chairman Yuldashev told observers that representatives of over 100 nations live in Uzbekistan and that "inter-ethnic problems never existed here." But the massacres of Meskhetian Turks by Uzbeks in the Ferghana Valley in June 1989 were only the most horrific and large-scale recent evidence of inter-ethnic tension in the republic.

Helsinki Commission staff spoke at length with Russians in Tashkent who expressed deep fear and concerns about living in independent Uzbekistan. Russians have been leaving the republic for several years in ever-larger numbers. This demographic phenomenon has serious economic implications, as departing Russians take with them badly needed technical-managerial skills, which are even more critical if Uzbekistan must survive as an independent state in the world community. But miserable economic conditions everywhere in the former USSR dampen any welcome migrants might encounter in Russia or other possible areas of destination; sometimes their houses have reportedly been burned by local residents resentful of new consumers chasing scarce food and goods. This unpleasant reality could weaken the drive to emigrate; but on the other hand, Russians (or other former Soviet citizens of European origin) living in Uzbekistan have grown accustomed to a certain privileged status. If they want, or feel they have, to remain in the republic, they will have to adapt to changed circumstances.

One such adaptation concerns language. Many Uzbeks resent the subordination of their language to Russian in their own republic for so long. With Uzbek now the state language, non-Uzbek speakers must develop a sufficient fluency in the language to feel comfortable and to allay their concerns about their economic prospects (and their children's) in an Uzbek-speaking republic.

Russians (or other former Soviet citizens of European origin) also are concerned about the threat of growing Islamic influence in Uzbekistan. If Islam does gain political power in the republic, tensions between Uzbeks and Slavs, with attendant increased emigration of the latter, will probably rise. And if aggrieved Russians stream into Russia from Uzbekistan, relations between these two republics could be affected.

Foreign Policy: Commission staff met with Uzbekistan's Foreign Minister, Shahlo Mahmudova (who has since been replaced). She expressed gratification at U.S. recognition of Uzbekistan but voiced the hope that the development of diplomatic relations would accelerate. Mahmudova stressed that Uzbekistan would not isolate itself, but would strive for good and mutually beneficial relations with all countries. Uzbekistan needs "economic help and contacts," she said, "without interference in our internal affairs." She pledged, however, the government's commitment to human rights.

Uzbekistan, and the other underdeveloped Central Asian republics, have long depended on subsidies from the Soviet "center" and if only for economic reasons, will certainly want to retain close economic ties with CIS republics. At the same time, the

republic will reach out to countries outside the former USSR. For instance, a Chinese delegation arrived shortly before Commission staff left; the two countries soon after signed an agreement on economic cooperation and China recognized Uzbekistan. The growing interest expressed in Central Asia by many countries will offer Uzbek leaders a variety of prospects and possibilities.

In this connection, Commission staff discussed at length with Mahmudova the issue that has lately drawn increasing attention from journalists and statesmen: the role of Central Asian republics, now free of Moscow's control, as an object of competing influence between Turkey (representing a model of secular, Western-oriented development) and Iran (representing an anti-Western, Islamic theocratic model), with Saudi Arabia and other close and neighboring states also involved in the fray. Mahmudova stated that Uzbekistan would not be anyone's "card." She repeated that the republic will cooperate with all countries on the basis of mutual benefit and equality. Nevertheless, Iran and Turkey are indeed struggling for influence in Central Asia and Uzbekistan's leaders will probably try to gain what they can from both without yielding any influence to either.

Islamic Fundamentalism: The vast majority of Central Asia's Muslims are Sunnis, as opposed to the Shias in Iran. Mahmudova noted other reasons to downplay the threat of fundamentalism, arguing that there are no prerequisites for such a development, and that the intellectual level of the population is too high. But her deputy took a different tack, warning about "certain forces" that could arise and smash all attempts at secular, Western-oriented development. Both officials urged Western engagement and involvement in Uzbekistan.

The strength of Islamic "fundamentalist" groups is difficult to gauge. But outside observers should distinguish "fundamentalism" from the natural Islamic revival taking place after decades of suppressed religious beliefs and practices. Moreover, without accusing the authorities or the opposition of threat-mongering, both of them have an interest in emphasizing the Islamic danger: the former, because they hope to discredit the opposition in western (and Russian) eyes as religious radicals and to present themselves as the surest guarantee of stability; the latter, because they need to counter these charges by distancing themselves -- in fact, and in local and western opinion -- from radical Islamic groups, and to support their arguments about the urgency of real reform (and perhaps to enhance their prospects for being invited to join a coalition government).

In any case, Islamic fundamentalists are growing ever more influential, according to *Birlik* leaders. As evidence, they point to events in Namagan (Ferghana Valley) where, they claim, Karimov refused to talk to representatives of the opposition and independent clergy (not government-controlled) during a December 8-9 meeting with voters, and returned to Tashkent. A large crowd gathered in protest and the swelling disturbance forced Karimov to return to Namagan, where the crowd's leaders presented him with a list of demands. These included: turning a former Communist Party building into an Islamic

center, legalizing the Islamic Renaissance Party, banning all other parties, especially the People's-Democratic Party (formerly Communist) as creatures of Satan, dissolving the Supreme Soviet, and creating an Islamic republic in Uzbekistan. Abdurrahim Pulatov claims that Karimov promised to carry out all these demands, and since then, power in Namagan has been shared by local authorities and Islamic forces.

Pulatov echoed the warning issued by the republic's deputy foreign minister, though for different reasons and with different conclusions, of course: given Uzbekistan's economic deterioration, he worried that unless serious economic and political reforms were introduced, Islamic fundamentalism could come to power. But, he lamented, the republic's unreconstructed, if renamed, *nomenklatura* rulers' stubborn resistance to change could lead to precisely this outcome.

Uzbekistan and the CSCE: Mahmudova told Commission staff that Uzbekistan would try to join the CSCE. Despite some disagreements among CSCE states over whether Central Asian countries belonged in the Conference on Security and Cooperation in *Europe*, on January 30, 1992, ten former Soviet republics, including Uzbekistan, were admitted to this multi-lateral forum. The CSCE's decision was motivated by the desire to turn these new states firmly towards Europe and avert their possible drift towards the kind of religious or national extremism that has often characterized politically inexperienced and impoverished countries.

As a full-fledged participant in the Helsinki process, Uzbekistan is now obligated to implement all CSCE provisions on political pluralism and human and national minority rights. In Eastern Europe and the former USSR, Helsinki commitments and ideals inspired democratic opposition movements and played a powerful role in weakening and bringing down communist dictatorships. Membership in the CSCE could help foster democracy and human rights in Uzbekistan, as its rulers must be well aware. According to an Express Chronicle report (*Novoe Russkoe Slovo*, January 25-26), Karimov has acknowledged that there is no freedom of the press in his republic, which, he argued, is not ready for it. The sincerity of his commitment to CSCE obligations may soon be tested.

But greater democratization would mean opening the republic's political process, even to groups feared by the leadership and secular opposition activists, as well as by Western governments. It should soon become clear whether other CSCE states will seriously pressure Tashkent -- and other Central Asian capitals -- on matters of political pluralism, democratization, press freedom and human rights, or will prefer what they see as the lesser evil of nominally democratic and apparently stable regimes.

Implications for the United States

President Bush on December 25 issued a statement recognizing all the former Soviet republics as independent states. But he divided them into two categories: those the United States recognized diplomatically and with which Washington undertook to establish diplomatic relations -- Russia, Ukraine, Belarus, Armenia, Kazakhstan and Kyrgyzstan -- and those which would have to wait for diplomatic relations with the United States until they provide "satisfactory commitments on responsible security policies and democratic principles." Georgia, Moldova, Tajikistan, Turkmenistan and Uzbekistan failed to win immediate diplomatic recognition were.

The Bush administration has not indicated when the establishment of U.S. diplomatic relations with Uzbekistan might be expected. But Uzbekistan's entry into the CSCE and, in the near future, the United Nations, would seem to augur very speedy progress on this front.

With diplomatic relations will come the development of closer ties. The United States' interest in Uzbekistan and other Central Asian republics, which border China, Iran and Afghanistan, is primarily geo-strategic. Kazakhstan has large oil reserves and Turkmenistan has natural gas, but Uzbekistan, apart from some gold and natural gas, has few precious resources and its economic identity revolves around cotton production. Nor is Uzbekistan likely soon to become a market for U.S. goods, given its shortage of hard currency and the poverty of its population.

From Washington's perspective, if there is little to gain in Uzbekistan in the short term, however, much could be lost over the long haul. The republic exemplifies a policy problem based on averting unpleasant scenarios more than promoting favorable ones: specifically, the United States and the West wish to prevent Uzbekistan and other Central Asian republics from falling under the sway of anti-western, radical Islamic states, particularly Iran.

Central Asians, and even some Islamic political parties, are by and large well disposed towards the United States, as a result of its half-century of opposition to Soviet communism. The United States, therefore, would command more credibility and political capital than many suppose if Washington were to become constructively engaged in the long-term goal of promoting democracy in that part of the world.

**REPORT ON
TATARSTAN'S REFERENDUM ON SOVEREIGNTY**

MARCH 21, 1992

Kazan and Pestretsy

April 14, 1992

SUMMARY

- Tatarstan's voters went to the polls on March 21, 1992, in a referendum asking whether Tatarstan is a "sovereign state" and "a subject of international law." They voted Yes by a margin of 61 percent to 37 percent.
- The referendum's passage was a victory for a Tatarstan government determined to redefine its relationship with the Russian Federation on a bilateral treaty basis, rather than within the proposed federation arrangements put forward by the Yeltsin administration.
- Tatarstan's government insisted that the referendum was not about "leaving or not leaving" the Russian Federation, but rather on ratifying Tatarstan's August 1990 Declaration of Sovereignty. Nevertheless, the phrasing of the question allowed room for various interpretations and claims.
- The referendum was strongly promoted by Tatarstan's President Shaymiyev, his administration, and the parliamentary faction *Tatarstan*. The opposition in parliament coalesced around the mostly Russian faction *Narodovlastie* (People's Power).
- While the "ethnicity" of the vote could not be determined in a secret ballot, the Tatar population clearly voted Yes and the Russian population was less enthusiastic. The referendum passed by large margins in ethnic Tatar areas, but passed by a much smaller margin in the cities, where most Russians live. In the five districts where Russians form the majority, and in the capital, Kazan, the referendum went down to defeat.
- Election day went smoothly in areas monitored by Helsinki Commission staff, although some practices common during the Soviet period but impermissible by international standards were still observed. Spokesmen for the Russian Democratic Party, which strongly opposed the referendum, claimed that irregularities took place where observers were not present.
- The Russian Federation Commission on Constitutionality declared the referendum unconstitutional on March 13, and the referendum was accompanied by charges and counter-charges in the Moscow and Kazan mass media. Moscow's television coverage frequently featured editorial comment against the referendum. On the eve of the referendum, President Shamiyev made a personal television appeal for passage, while President Yeltsin, leaving for the CIS meeting in Kiev, pledged that he [would] "not allow Tatarstan to leave the Russian Federation."

- Passage of Tatarstan's referendum represents another step in the ongoing rearrangement of political and economic structures in the former USSR and Russia. On March 29, 1992, 18 of Russia's 20 major autonomous regions signed the Federation Treaty, many with certain reservations and amendments. Tatarstan's refusal to sign and its insistence on negotiating directly with Russia may well influence other autonomous republics, even those that signed the treaty, to renegotiate their terms or, at least, to continue striving for more autonomy.
- Helsinki Commission observers had been invited by Tatarstan's government. Such invitations conform with the provision of paragraph 8, section 1 of the *Copenhagen Document* of the Conference on the Human Dimension of the CSCE, to which the Russian Federation has acceded as successor to the Soviet Union. Nevertheless, one Commission observer was told by a representative of the Democratic Party of Russia that his presence in Tatarstan to observe the referendum was "to put it mildly, incorrect."

BACKGROUND

Tatarstan, the former Tatar Autonomous Soviet Socialist Republic of the USSR, with an area of 26,000 square miles, is located approximately 500 miles east of Moscow at the confluence of the Volga and Kama Rivers. The Turkic-speaking Muslim Tatars are a remnant of the "Golden Horde" left in the wake of the Mongol occupation of Russia (1240-1480). Kazan, the capital of today's Tatarstan, was captured in 1552 by Ivan the Terrible, as Muscovy began its drive to the Pacific coast and beyond. The area is a significant source of oil for Russia, and is a major producer of trucks, tires, and other rubber products. In addition, Tatarstan lies across major energy pipelines between Moscow and Western Siberia, and includes a large defense industry.

The current population of Tatarstan is approximately 49 percent Tatar and 43 percent Russian. Finno-Ugric peoples and Bashkirs, whose titular autonomous regions border Tatarstan, make up the remainder. There is a high degree of intermingling among the population: about one-third of the marriages are mixed.

With the collapse of the Russian Empire in 1917, Tatarstan, together with Bashkiria and part of present-day Orenburg oblast of the Russian Federation, comprised a short-lived "Idel-Ural" state stretching to the Caspian Sea that was declared in February 1918 by the Tatar National Assembly (*Medzhlis*). Soon thereafter, the Bolsheviks dissolved this state and arrested its leaders. The Tatar Autonomous Soviet Socialist Republic was formally created in May 1920.

Like other non-Russian peoples, Tatars experienced an upsurge of national feeling and political organization under Mikhail Gorbachev's *glasnost* and *perestroika*. Tatarstan's parliament unanimously declared the sovereignty of Tatarstan on August 30, 1990. Unlike similar declarations of sovereignty by other autonomous regions, the declaration omitted any reference to Tatarstan's existence *within* the Russian Republic. Tatarstan got a great boost in its striving for autonomy in September 1990, when Boris Yeltsin, competing with President Gorbachev for power, told the Tatars in Kazan that they could have "all the independence they could handle." Today, Russian officials tend to grimace when reminded of Yeltsin's remark.

The Tatars took it seriously, however. In April 1991, the parliament followed up the sovereignty declaration by asserting the supremacy of Tatar legislation over Russian legislation where the two were in conflict. During the deliberations on Gorbachev's Union Treaty, Tatarstan President Shaymiyev voiced his intention to sign the Treaty as an independent entity rather than as part of the Russian Republic.

The inherent conflict between Moscow and the leaders of autonomous republics came increasingly to the fore in 1991, and relations between Tatarstan's leaders and Yeltsin cooled. Exacerbating tensions between them was lack of support for Yeltsin's

presidential ambitions by Tatarstan's Communist Party leadership, which refused to participate in the June 1991 presidential election. The republic's President Mintimer Shaymiyev basically backed the coup plotters in August 1991 and Moscow's negative attitude towards Tatarstan's March 1992 referendum was based partially on opposition to what Russian officials call a hardline apparatchik government exploiting nationalist slogans to retain power.

Meanwhile, some Tatar national movements were becoming increasingly radical. In mid-October 1991, Tatar nationalists staged a demonstration on Freedom Square in front of parliament demanding that parliament declare independence and break relations with Russia. At one point, they attempted to storm the parliament building, and several policemen and demonstrators were injured.

In early February 1992, at the initiative of the *Ittifak* Tatar Independence Party, a Congress (*kurultay*) of Tatar peoples from throughout the former USSR met in Kazan to elect a 75-member ruling body, the *Milli Medzhlis*. The Congress passed a law decreeing Tatarstan an "independent country" and called for recognition of Tatarstan by the United Nations. President Shamiyev criticized the apparent pretensions of the Congress to operate as a legislative body, and the Congress chairman, Talgat Abdullin, later told the *Interfax* news agency that "the [*medzhlis*] lays no claim to power in Tatarstan."

On February 21, Tatarstan announced that a referendum would be held one month later. The Russian Federation parliament issued an appeal "to the parliament, people, and government of Tatarstan" warning that such a referendum could lead to inter-ethnic strife. On March 13, Russia's Constitutional Court declared the referendum question as framed unconstitutional, as well as sections of the Declaration of Sovereignty that limit application of Russian law on the territory of Tatarstan.

THE REFERENDUM QUESTION

Lengthy debates in Tatarstan's Supreme Soviet surrounded the formulation of the referendum question [see below]. Ultimately, the deputies agreed on the following compromise:

"Do you agree that the Republic of Tatarstan is a sovereign state and a subject of international law building its relations with Russia and other republics and states on the basis of equal treaties?"

Particular debate focused on the phrase "subject of international law," which opponents of the referendum interpreted to mean full independence and secession from Russia.

Tatarstan came under strong pressure from Moscow to change the wording; up until a few days before the voting, it seemed the deputies might be swayed but the republic's government and Supreme Soviet resisted all warnings and blandishments and remained committed to the wording of the question as originally formulated.

THE PLAYERS AND THEIR POSITIONS

Of the "pro-sovereignty," anti-Moscow forces, the Tatarstan Public Center is probably the most important of the political and cultural groups in Tatarstan. Headed by Kazan University Professor and parliamentary deputy Marat Mulyukov, the Public Center's stated goals are to make Tatar the official language of the republic, obtain "economic sovereignty" for Tatarstan, and promote the cultural and spiritual consolidation of Tatars throughout the [former] USSR. A more radical Tatar nationalist group is the *Ittafak* party; its leader Fauzia Bairamova told *U.S. New and World Report* (February 24, 1992) that "A real Tatar . . . will not besmirch the honor of the descendants of the warriors of Genghis Khan." Most people interviewed in Kazan claim this party's influence and popularity are limited. Other groups associated with the radical nationalist wing are the *Marjani Society* (after an 18th century Tatar theologian and educator) and the *Azattyk* (Freedom) youth movement.

The most prominent public organization opposing passage of the referendum was the Democratic Party of Russia (DPR), whose spokespersons in Tatarstan and Moscow have been especially critical of President Yeltsin's unwillingness to take stronger measures against the Tatarstan government and the referendum. A mostly Russian but multi-ethnic group known as *Soglasie* [Agreement] opposes secession and urged a "No" vote in the referendum, but is not as closely identified with Moscow as the DPR.

In the middle, but clearly supported by the majority of nationalists, are President Shamiyev and his administration. A former Republic Communist Party chairman who jailed six anti-coup demonstrators in August 1991, Shamiyev walks a moderate-nationalist line, expressing his dispute with Moscow not in ethnic, but in economic terms. At least as of March 1992, he had managed to effect a relatively "soft transition" to a market economy, an opinion frequently voiced with appreciation by the average citizen. Except for the Freedom Square incident of October 1991, ethnic confrontation in Tatarstan has been kept to a minimum.

These divisions are, broadly speaking, reflected in Tatarstan's parliament. The nationalists -- particularly from the Public Center -- are represented by the *Tatarstan* faction, while the "democrats"/*Soglasie* movement draws adherents from the deputies of the *Narodovlastie* (People's Power) caucus.

Members of the *Tatarstan* faction saw passage of the referendum as a necessary confirmation of the parliament's sovereignty declaration, although in conversation with Commission staff, they contended that they had not sought the referendum. Rather, they said they were responding to "negative propaganda" from the "neo-Bolsheviks" in the Russian government. The Russians, claimed the *Tatarstan* deputies, had not dealt in good faith with Tatarstan's government when the latter sought to correct past economic inequities and environmental deprivations. They emphasized their desire for a "single channel" budget system for Tatarstan, i.e., raising taxes in the republic, and contributing funds to the Russian Federation budget for specific functions delegated by Tatarstan to Russia, such as defense and foreign policy. The deputies voiced suspicion that Russia had already initiated a currency blockade, limiting the supply of rubles to Tatarstan banks. Those urging a Yes vote stressed the economic benefits Tatarstan would receive if Moscow's domination were lifted, arguing that the republic has great economic potential, especially given its oil reserves.

The *Tatarstan* deputies complained of "information terror" emanating from Moscow. They stressed that all claims of anti-Russian discrimination were nonsense, and pointed to the high proportion of mixed Tatar-Russian marriages: "How can I discriminate against my niece?" They have no intention of closing Russian schools or museums, they said -- they merely want to be treated equally, after centuries of Russian repression of Tatar culture.

In an interview, Farid Mukhametshin, Chairman of the parliament, made similar points. "We are not trying to break up Russia," he said, "but the Russians appear unwilling to negotiate seriously. Instead, we get criticism and charges of separatism." Tatar officials detailed their unhappiness about various aspects of the Federation Treaty proposed by Boris Yeltsin, *inter alia*: it had provisions on entering the Federation but not leaving; it gave budgetary priority to Russia, which also usurped control over the natural resources of autonomous republics; it subordinated law enforcement organs to Moscow, not Kazan. Still, Mukhametshin said if the referendum failed, Tatarstan would sign the Federation Treaty. If it passed, Tatarstan would press for a bi-lateral treaty, as stipulated in the referendum wording.

Narodovlastie legislators, in opposing passage, did not oppose the concept of greater sovereignty for Tatarstan -- everyone, they said, wants a "better deal" -- but they claimed that Tatarstan's visions of future wealth were illusory and argued that the republic receives more from Russia than it gives. More important, they asserted that the wording of the referendum could be used to legitimize secession. They said they supported holding a referendum, but had sought an "open, honest question" on the issue of remaining or leaving Tatarstan. *Narodovlastie* representatives who took part in the conference committee drafting the referendum question stated that they had reluctantly agreed to the wording of the referendum as a compromise to prevent a vote on what they claimed was a seriously flawed draft Tatarstan Constitution. The draft, they said, was written for a state *already* independent, contained no clear assurances of two state languages (Tatar and

Russian) or of dual citizenship, and only vaguely delineated functions between Moscow and Kazan. The deputies had also tried to insert the wording "within the composition (*sostav*) of Russia" but this had been rejected.

Narodovlastie deputies charged that the local media were entirely controlled by Shaymiyev's administration and naturally urged a Yes vote. They also felt that the increased national fervor accompanying the referendum was creating a schism between ethnic Russians and Tatars, and accused Shaymiyev of appointing far more Tatars than Russians to local administrative posts. One deputy noted the results of a public opinion survey indicating that support for Tatarstan's sovereignty had increased among Tatars over the previous year, while support among Russians had decreased significantly. Another deputy pointed to a statement attributed to President Shamiyev to the effect that if the referendum did not pass, ethnic violence might take place; he saw this a threat to non-Tatar voters.

Among those opposing passage of the referendum, a curious *de facto* coalition developed between anti-communist dissidents who view Shaymiyev as an old-line Communist Party apparatchik staking out his fiefdom in the post-Communist era, and the ubiquitous contingent of conservative Russophone residents opposing any changes in the status quo. The former group in this coalition tended to be younger.

THE REFERENDUM LAW

The law on the referendum permitted voting by any citizen 18 years of age and older, excluding non-resident students and military personnel, the mentally incapacitated, and persons serving labor camp or prison sentences. As has been the practice throughout the former Soviet Union, election procedures, assignment of election districts, placement of polling stations and selection of election commission personnel generally adhered to previous practice under the *ancien regime*. The law also provided for government funding to organizations advocating both passage of the referendum and its defeat.

According to election officials in one of the Kazan city precincts, for the first time in the republic's history, persons held in investigative custody -- but not yet tried -- could vote, using the "mobile ballot box" traditionally used for elderly and infirm unable to visit the polling place in person.

THE CAMPAIGN

The Tatarstan government headed by President Shaymiyev campaigned actively and effectively for passage, avoiding any appearance of inter-ethnic contention, and emphasizing the economic benefits of sovereignty. Shaymiyev was vigorously seconded by the parliamentary faction *Tatarstan*, whose members presented Commission staffers with

ambiguity of the referendum question and the perplexity and concern it had evoked among voters.

ELECTION DAY OBSERVATIONS

Commission observers, together with Illinois State Senator John Nimrod (also invited by the Tatarstan government), observed a total of 10 polling places, seven in Kazan, two in the city of Pestretsy, about 30 miles east of Kazan, and one at a fur-producing kolkhoz on the road between the two cities.

Voting procedures were as follows: voters came to polling stations, presented their passports, received a ballot (they were available in Tatar and Russian), signed for the ballot, went into a curtained booth, made their choice -- which involved crossing out Yes or No, with the choice left unmarked expressing the voter's preference -- and deposited the marked ballot into a box. In some polling stations, election commission members guarded the box; in others, observers from political parties or groups did so, while in others, the ballot box was unguarded.

While there were no clear violations of Tatarstan's election law, staff observed a few irregularities vis-a-vis accepted international standards. As generally has been the case in voting in former Soviet republics, several family members, or entire families, could be seen in voting booths. At one polling place, two young men conferred on their ballots before entering the voting booth. At another, a woman took her ballot and stepped into an adjacent corridor for a long discussion with an acquaintance before casting her ballot. At the kolkhoz between Kazan and Pestretsy, election officials checked the identification only of those voters they did not know by sight; according to Article 30 of the Tatarstan election law, they are supposed to check each voter's passport. In general, however, these irregularities did not appear to be deliberate attempts to commit or tolerate fraud.

In most polling stations Commission staff visited, there were observers from various political groups and organizations, some local, others from Moscow. The observers included representatives of the Social-Democratic Party, the Tatar Public Center, Crimean Tatars, the Democratic Party of Russia, Yakutia, and "representatives of veterans and labor organizations." A DPR spokesman subsequently claimed that its observers had been harassed, detained and prevented from monitoring in some rural areas by police allegedly searching for drugs. The same group also expressed suspicion at the fact that in some regions, rural tallies were reported to electoral commissions before urban results. On the other hand, some observers, especially from non-Russian republics, such as representatives of *Rukh* in Ukraine, asserted that the voting had gone well and that they had seen no irregularities. (Some also subsequently spoke out in support of the referendum and Tatar aspirations generally.)

THE RESULTS

According to the official tabulation, 81.7 percent of the eligible voters took part in the referendum. Of these, 1,309,560 or 61.4 percent voted in favor, with 794,444 or 37.2 percent against. According to the *Interfax* news agency, the proposal was voted down, 51.2 percent to 46.8 percent in Kazan. In several other cities where ethnic Russians dominate or form a significant minority, the proposal either lost or barely passed. All in all, urban regions passed the measure by 58.7 percent to 43, rural regions by 75.3 percent to 23.8. In the five districts of 43 where Russians form the majority, and in the capital, Kazan, the referendum went down to defeat.

POLITICAL IMPLICATIONS

Support for a Yes vote apparently flowed from several considerations, namely:

- Shaymiyev's authority. Charges that "he backed the coup" -- which have had a relatively short half-life in any event -- appeared not to sway the public in Tatarstan, where, as mentioned, the citizens have up until now not suffered economically as much as in other regions.
- Opposition to Moscow's economic exploitation. All the local players, including Russians, believe that Tatarstan has been exploited by Moscow, and some voters clearly felt that sovereignty, however defined, will bring a "better deal" for Tatarstan.
- National sympathies. The overwhelming pluralities in rural, Tatar-ethnic regions reflect years of pent up resentment against Russia's -- Tsarist and Communist -- "colonialist" policies and the current upsurge of Tatar national feeling.
- The government's "explanation" that the referendum was not about secession from Russia may have reassured voters. A poll published by *Vechernaya Kazan'* a few days before the referendum indicated that the referendum as framed would win by a 16 point margin, with 22 percent of voters undecided. A straight up-and-down vote on independence would lose, however, by a wide margin. Some Russian voters told Commission staff they believed the government's assurances that Tatarstan would not leave Russia.
- Threat of ethnic violence. Non-Tatar voters may have decided to trust the Shamiyev administration's ability to keep the lid on ethnic unrest rather than risk a possible violent reaction by Tatar nationalists had the referendum lost.

PROSPECTS

Having won their gamble, Tatarstan's leaders (and those of the Chechen Republic) refused to sign the Federation Treaty on March 29, which 18 of the 20 major autonomous regions, along with dozens of smaller entities, signed. Tatarstan is currently negotiating with Moscow over a bilateral treaty. Russia, for its part, must take into account the political realities of the referendum it decreed unconstitutional. Tatarstan poses a troublesome issue for the Russian government: the use of force to quell strivings for greater autonomy or independence would call into question Moscow's commitment to a society based on rule of law. Yet Tatarstan's step toward greater sovereignty bodes ill for Russia's territorial integrity.

The progress of the negotiations between Moscow and Kazan may well influence the attitude of those autonomous entities that signed, as several did so with specific reservations or amendments concerning natural resources and economic arrangements. If Tatarstan gets what it considers a satisfactory deal, others may be moved to reconsider their own terms with Moscow. As was the case when the former Soviet republics accepted in theory the results of Gorbachev's March 1991 "Referendum on the Union," but proceeded to press their own interpretations at Novo-Ogarevo, the battle between the Russian Federation and its autonomous republics is unlikely to disappear merely because the Federation Treaty has been signed, and future wrangling should be expected.

Within Tatarstan, the referendum's passage may embolden Tatar nationalists to press their cause. As soon as the results were announced, Marat Mulyukov of the Tatar Public Center declared to journalists that henceforth Tatarstan is an independent state, no longer a part of the Russian Federation. Mulyukov told Commission staff that the *Tatarstan* faction in the Supreme Soviet would push for United Nations recognition of Tatarstan and for removal from the legislature's presidium of the [*Narodovlastie*] deputies who urged a No vote. Moreover, according to the April 3 issue of *Vechernaya Kazan'*, a pro-independence group, *Sovereignty*, has demanded that the Tatarstan government forbid broadcasts by central (i.e., Moscow) television in Tatarstan.

Opponents of the referendum are also organizing. A Kazan-based "Citizens of the Russian Federation" has announced plans to hold a congress in Moscow, rejecting at the same time a Russian-ethnic secession move from Tatarstan on the grounds that the March 21 referendum itself was illegal. (As early as October 1990, there was talk of creating a "Transkama Republic" in the non-Tatar areas around Neberezhni Chelni and Nizhnekamsk).

President Shaymiyev will have to navigate between these contending forces in his republic. Like Yeltsin, his greatest challenge is moving toward economic and social stability while balancing the concerns of his ethnic constituencies.

CONCLUSION

The Tatarstan referendum represents another chapter in the continuing rearrangement of political, economic, and national relations in the post-Communist era. The challenge to Russia is an unravelling of the entire Federation structure. The opportunity is a voluntary strengthening of the ties, political, economic, and social, among Russia's autonomous regions.

Two standards are critical in this unfolding process. First, whatever means are used to determine the status of these regions, Tatarstan in particular, must be democratic and reflect the will of the people. Second, the end result must be a democracy, committed to respect for individual and minority rights, the rule of law, the equal rights and self-determination of peoples achieved through peaceful and democratic means, and to a free market economic system. These are the fundamental CSCE principles to which Russia has committed itself.

THE PRESIDENTIAL ELECTION IN AZERBAIJAN

JUNE 7, 1992

Baku and Mardakyan

June 26, 1992

SUMMARY

- On June 7, 1992, Popular Front Chairman Abulfaz Elchibey won Azerbaijan's first contested presidential election, with about 60 percent of the vote. 76 percent of the country's 3.9 million eligible voters went to the polls in Azerbaijan's first election in over 70 years not held under Communist Party control.
- The election followed months of instability and attempts to derail it when former Communist Party leader Ayaz Mutalibov staged a putsch in mid-May. The Popular Front engineered a counter-coup and consolidated its standing as Azerbaijan's most influential political organization. With the election back on schedule, Elchibey was the odds-on favorite.
- Helsinki Commission staff observed the balloting. Some polling stations organized orderly voting; in others confusion reigned, and observers saw many voters receiving multiple ballots. These irregularities seemed to reflect traditional Soviet voting practices rather than deliberate vote-rigging. Still, two of the original seven candidates have charged widespread fraud.
- The election's biggest surprise was the strong showing of Nizami Suleimenov. Until recently a political unknown, he won about one-third of the vote. Suleimenov made excellent use of television to gain popularity by promising quick and easy fixes to economic problems and the Nagorno-Karabakh crisis.
- Nagorno-Karabakh is Azerbaijan's most difficult and important problem. Without a negotiated solution, democratization and economic reforms will probably languish as the economy shifts to a war footing and domestic politics concentrates on military conflict. Elchibey is under public pressure to reverse recent Azerbaijani setbacks in Nagorno-Karabakh, and soon after the election, Azerbaijan launched a large-scale assault. This offensive complicates negotiations underway in Rome under CSCE auspices to arrange a ceasefire and prepare for a peace conference. But if a military stalemate develops, negotiations might begin in earnest.
- Elchibey faces strong opposition from Suleimenov, an ally of Haidar Aliiev, the former Communist Party boss of Azerbaijan who enjoys support among the "law and order" constituency. Now running the Nakhichevan Autonomous Republic in Azerbaijan, Aliiev failed to annul the age limit that barred him from running for president, but he remains the gray eminence of Azerbaijan's politics. Another prominent contender for power is Etibar Mamedov, a Popular Front founder who now heads his own party.

- Elchibey's priorities will be dealing with Nagorno-Karabakh and the economy while fending off criticism from his rivals and weakening the communist hold on Azerbaijan's political and economic institutions. New parliamentary elections will reportedly be held sometime this year to replace the old communist-dominated Supreme Soviet. Elchibey is hoping for aid from Turkey -- his model -- and the West to help modernize and democratize Azerbaijan.

BACKGROUND

Azerbaijan's June 7 presidential election was the culmination of a long struggle between the Communist Party and the non-communist opposition, led by the Azerbaijani Popular Front (APF). The process of weakening the Communist Party and the accession to power of non-communist political forces, which took place in the Baltic States and in many former Soviet republics in 1989-90, was delayed in Azerbaijan. In late 1989, the Popular Front seemed ready to sweep the ruling Communist Party aside. But the Kremlin proved willing to do in Azerbaijan what it shrank from elsewhere: mount a large-scale military operation in a republic to keep the communists in power. In mid-January 1990, anti-Armenian pogroms broke out in Baku, providing Moscow with a convenient pretext to send in troops. The anti-Armenian violence had already subsided when, on January 19-20, Soviet troops invaded the city, killing 150-200 people. Communist Party functionary Ayaz Mutaibov was installed as Party leader and martial law was introduced in Baku. It was under conditions of martial law that in October 1990, Azerbaijan held its Supreme Soviet election. In that blatantly unfair contest -- would-be monitors from Russia were met at the airport by troops and sent back home -- opposition candidates won only about 40 of the legislature's 360 seats.

The Popular Front remained in suppressed opposition for a year, but Mutaibov's support for the August 1991 putsch in Moscow weakened his position. In December 1991, he agreed to the formation of a National Council of 50 members, roughly divided between his backers and Popular Front supporters, essentially displacing the Supreme Soviet as the republic's legislative body. But in early 1992, Azerbaijan suffered battlefield reversals in Nagorno-Karabakh, and especially after the killing of hundreds of Azeris in Khojaly in February, Mutaibov's position collapsed. With thousands of demonstrators surrounding the parliament building, he was forced to resign on March 6. Yakub Mamedov was named Acting President and Chairman of the Parliament. Negotiations between him and the APF over positions in the new government stalled, and on March 25, the reconvened Supreme Soviet scheduled presidential elections for June 7.

The up-and-down rhythm of Azerbaijani politics suffered another jolt, however: on May 14, Ayaz Mutaibov led an attempted coup, after a period of demonstrations by supporters calling for his return. The Supreme Soviet reinstated him in office, banned demonstrations and political parties and cancelled the election. The Popular Front led the resistance to Mutaibov and his backers, who scattered and fled after one day of fighting. The National Council took over, dissolved the Supreme Soviet, and elected Isa Gambarov, a Popular Front leader, acting president. Mutaibov's decree cancelling the election was itself cancelled, and preparations for the election resumed.

The June 7 election therefore signalled not only the end of communist rule in Azerbaijan, it also aimed to end the power vacuum that had developed in Baku in 1992. Many observers felt that with no legitimate government in place, Azerbaijan could not

begin to cope with the myriad problems facing the country or even negotiate in good faith with other countries about disputes and issues of common interest.

First and foremost, of course, is the conflict in Nagorno-Karabakh, which, after four years of attrition and low-level conflict, reached a turning point in 1992. Though it previously seemed that Azerbaijan's demographic and strategic advantages, especially the ability to blockade Nagorno-Karabakh, would eventually prevail, Armenian fighters decisively won a series of larger-scale battles for control of key sites, especially Shusha. By early June, they controlled the region, and established a corridor linking Nagorno-Karabakh and Armenia through the city of Lachin. The fighting also escalated beyond Nagorno-Karabakh, with artillery duels and charges and counter-charges of incursions across the border separating Armenia and Nakhichevan, an autonomous republic in Azerbaijan separated by Armenia from the rest of Azerbaijan. With the breakup of the USSR, Nagorno-Karabakh became a high-priority item for the international diplomatic community, concerned over possible involvement by neighboring states: NATO-member Turkey, on Azerbaijan's side, and Russia, backing Armenia, with which it has an agreement on military security.

At the same time, Azerbaijan's domestic battle for power between the communists and the Popular Front had already yielded to concerns among some groups about the APF's commitment to democracy. By election day, the main question was no longer whether the communists would somehow manage to steal or disrupt the election, but whether the victorious Popular Front had become so powerful that it controlled the process and the result in advance of the voting. Some former leaders of the APF, especially Etibar Mamedov, thought so (see below), as did Nizami Suleimenov, a presidential contender. Their claims of an APF power grab complicated what would otherwise have been grounds for rejoicing over the defeat of the Communist Party. Etibar Mamedov pointed to decrees issued in late May banning demonstrations and authorizing police to search apartments and to stop and search cars for weapons as disturbing signs of a new authoritarianism.

As if all this were not enough, there was a further complicating factor: Haidar Aliev, former Communist Party boss of Azerbaijan and member of the CPSU Politburo until Mikhail Gorbachev ousted him in 1987. Upon returning to his home base, the Nakhichevan autonomous republic, Aliev became head of its Supreme Soviet, which made him the *ex officio* deputy head of Azerbaijan's Supreme Soviet. But his relations with Baku, and especially with Ayaz Mutalibov, were strained, and he remained in Nakhichevan, where he focused on developing relations with neighboring Turkey and Iran. In late 1991-early 1992, Mutalibov's weakening position, the chronic instability in Baku and related longing in some quarters for an "experienced, strong hand" made Aliev an increasingly attractive option, especially after Georgia's former Communist Party boss-turned-reformer/international diplomat Eduard Shevardnadze returned triumphantly to Tbilisi in March. Aliev played coy with the presidential campaign, sometimes vowing to stay in Nakhichevan, sometimes stating his readiness to be president "if such is the will of the

people," while his supporters staged demonstrations on his behalf. The great obstacle to his candidacy was the provision setting the age limit of candidates at 65 (he is 69). Aliev's efforts in the Supreme Soviet to change the law on April 27 proved unsuccessful. But though his name was absent from the ballot, he hovered over the campaign, a figure from the past who enjoys popularity among the "law and order" constituency.

The Nagorno-Karabakh Conflict

The war for Nagorno-Karabakh, in which some 2,000 people have reportedly been killed since 1988, was the overriding issue of the campaign. While Armenians invoke national self-determination as the basis of their struggle, Azeris argue that Armenians have already achieved self-determination within current-day Armenia, and point to the sanctity in international law and CSCE documents of territorial integrity and established borders. No candidate was willing to consider any solution other than retaining Azerbaijan's jurisdiction over the territory, although all of them acknowledged the right of Armenians to live there, as Azerbaijani citizens. Azeris told Commission staff they expect the international community to recognize the rightness of their cause, condemn Armenian aggression and impose sanctions, as was done against Iraq.

The conflict's impact on the June 7 presidential election was reflected not only in the prominence it received in the candidates' platforms, but also on the popular mood in Azerbaijan. Many observers conceded that the campaign was rather lackluster, and some candidates told Commission staff that they could not bring themselves to campaign actively -- in effect, to tout their own virtues -- during such bleak and depressing times.

THE ELECTION LAW

The chairman of the Central Election Committee (CEC) explained that the rules governing the June 7 presidential election were taken from the law on parliamentary elections, the law on referendums and the law on presidential elections passed in July 1991. The CEC was in overall charge of conducting the campaign and the election.

Under Mutalibov, the CEC had originally been "elected" in 1990 for a 5-year term, but on March 25, 1992, the Supreme Soviet decided to modify the commission's composition to reflect the new realities in Azerbaijan. The CEC and election commissions on the district and local level were to be composed of members of all registered political parties and social organizations; organizations were asked to submit their nominees by April 6. Consequently, the membership of these bodies changed substantially, although the CEC's chairman, a former Minister of Internal Affairs, kept his post.

The CEC divided the country into 82 electoral districts, with over 3,000 polling stations. Of those, over 600 were inactive because they were located in areas under Armenian control in Nagorno-Karabakh and Lachin. Residents of Azerbaijan over 18

years old, not in prison or deemed psychologically incompetent, could vote. Soldiers of the Commonwealth of Independent States stationed in Azerbaijan could only vote if they were residents of Azerbaijan. Troops of Azerbaijan's National Army voted in polling stations near their units. Candidates for president had to be within 35 and 65 years of age, and must have lived in Azerbaijan for five years.

Labor collectives in enterprises, higher educational institutions, political parties and social organizations, as well as groups of citizens could nominate candidates, if they could gather 20,000 signatures. The CEC was to register candidates (and their "trusted persons," who helped them campaign) within 5 days of receiving the necessary documents, including written assurances of the nominee's willingness to run.

Local election commissions posted voter lists in polling stations about two weeks before the election, so voters could make sure they were listed and their addresses correctly noted. (The lists were not always in alphabetical order, so interested voters would have had to spend a lot of time searching out their names). Those planning to be away from their home districts on June 7 could get from their local polling station a certificate allowing them to vote wherever they were, after being crossed off the list in their home district, and they could be registered on June 7. Voters who expected to be outside Azerbaijan could leave in their local polling station beforehand a sealed envelope containing their choice for president.

A major technical problem in registering voters was dealing with the tide of refugees, who, according to government figures, number some 120,000 (not counting the approximately 200,000 who left Armenia in the earlier stages of the conflict). Refugees could vote wherever they found themselves on June 7 if they had fled their home districts in Nagorno-Karabakh or areas bordering Armenia. Polling stations in Armenian-controlled areas were supposed to cross those voters' names off voters lists (although it is difficult to understand how such polling places could still have been functioning). The CEC instructed district and local election commissions to include refugees on voter's lists according to their current place of residence.

Newspapers published CEC announcements about the regulations and the CEC's meetings. A statement by the CEC chairman a few days before the election emphasized that each voter must cast his/her own ballot, and that nobody could vote for anyone else.

In order for the election to be valid, at least 50 percent of eligible voters had to participate. A candidate had to win 50 percent of the votes cast-plus-one.

THE CANDIDATES AND THEIR PLATFORMS

Abulfaz Elchibey: An Orientalist who was jailed for a year and a half in the 1970s for "nationalism" and "slander of the Soviet state," Elchibey was a founder of the Popular Front. He called for the creation of a democratic, law-based state, with constitutional guarantees of human rights, fundamental freedoms, division of powers, a multi-party system, and equality of rights for all citizens, regardless of nationality or religion.

Elchibey's platform advocated dealing with Nagorno-Karabakh on the basis of the United Nations Charter and CSCE principles. He said all parties to the conflict must accept the inviolability of borders and constitutionally delineated lines of authority between local and central elected organs of power. But he saw the sole guarantee of resolving the Nagorno-Karabakh crisis by peaceful means in the formation of a strong and unified armed force.

Elchibey favored the development of a free market system, the equality of all forms of property, the privatization of industry, land and housing, and market-based prices. He called for protecting Azerbaijan's internal market through a new currency. Elchibey also said measures should be taken to develop mutually-beneficial economic relations with all countries and to attract foreign investment.

On inter-ethnic matters, Elchibey called for making Azeri the language of all state affairs and communication among all residents of the country. At the same time, conditions should be created for maintaining and developing other languages.

In foreign affairs, Elchibey rejected Azerbaijan's membership in the Commonwealth of Independent States. He advocated a policy of armed neutrality, while maintaining the traditionally close ties among the former Soviet republics, on the basis of equality and mutual benefit. Elchibey's platform promised that Azerbaijan would "devote special attention to the development of economic, political and cultural ties with neighboring states for the purpose of ensuring the ethno-cultural unity of Turkic peoples." In particular, Elchibey called for developing the ethno-cultural unity of Azeri Turks through wide-ranging ties with Iran, where over 20 million Azeris live.

Nizami Suleimenov: An Academician, director of an experimental metallurgical laboratory and representative of the Union of Democratic Intelligentsia of Azerbaijan, Suleimenov told Commission staff that he was originally an APF-supporter. Fearing the communists would win, he said he ran for president hoping to create a bloc that could get Elchibey or Etibar Mamedov elected. After Shusha fell in mid-May, he suspended his campaign and called for postponing the elections and forming a coalition government. Subsequently, however, he decided it would be too dangerous to have a political vacuum in Azerbaijan and reentered the race.

Suleimenov based his program on speedy economic change, without which, he said, independence would be impossible. He advocated private property and the immediate privatization of industry and land. Suleimenov also promised to fix extremely low prices for food and to give every newly married couple an apartment.

On Nagorno-Karabakh, Suleimenov took a hard line approach: Armenian-held areas must be liberated, while Azerbaijan tries to influence international public opinion to move Armenia to negotiations. If these efforts fail, Suleimenov promised by military action to protect within one month Azerbaijan's borders, and to remove all Armenian fighters from Nagorno-Karabakh within three months. At the same time, he called for guaranteeing the rights of non-Azeris and protecting their language, culture and traditions.

Suleimenov did some interviews in newspapers and had six meetings with voters. He said his posters were finished only a few days before the election, and he claimed that the CEC contributed nothing to the cost of producing them. [When asked about this, the chairman of the CEC responded that Suleimenov wanted more posters than the law allowed; he suggested that Suleimenov pay for any posters that exceeded the limit -- an interesting proposal, considering that the election law forbade any private financing of the campaign]

Suleimenov's big success was a June 2 television appearance which struck a chord with the electorate. He subsequently claimed that he was three times as popular as Elchibey and warned that the APF -- which had seized power and taken control of the media -- would certainly falsify the voting results. Suleimenov also alleged that the triumphant APF had replaced the local authorities with its own supporters, and had done the same in local polling stations.

Tamerlane Karaev: A jurist by training, and the first deputy speaker of the Supreme Soviet, Karaev was a founder and longtime leader of the APF. Elected to the Supreme Soviet in November 1990, he also managed to rise to his current position under Ayaz Mutsalibov's tenure as Communist Party boss and later president.

Karaev said the CEC had treated all the candidates equally, as had the official press and television. But he said that the campaign had been lackluster, a result of popular dispiritedness over the Nagorno-Karabakh situation.

Karaev conceded that his program differed little from that of the APF. Asked why he had entered the race -- a step that could have damaged Elchibey's chances by splitting the APF's vote -- Karaev said that a strong power, if not tempered by a strong opposition, could turn into a dictatorship. If the APF came to power and did not implement its program, he promised to form his own party and oppose the APF.

Karaev essentially backed Elchibey: he said an APF government would launch a real economic reform, and he saw the solution of the refugee problem in a thoroughgoing privatization of land, which would draw refugees out of Baku and other large cities. On Nagorno-Karabakh, he told a Russian-language newspaper he favored a combination of political and military measures, while building up Azerbaijan's military force. In conversation with Commission staff, his position on Nagorno-Karabakh differed from that of other candidates by its moderation and by locating the crux of the problem in Azerbaijan's hyper-centralized administration. He called for giving each district in Nagorno-Karabakh self-government, though he insisted that Azerbaijani refugees be returned to their homes and that Azerbaijani law must prevail there.

Karaev's position on inter-ethnic relations was also the most sensitive to concerns of non-Azeris. He said that the sort of nationalism Azerbaijan needed when mobilizing the population to throw off Soviet control should now be transformed, considering Azerbaijan's *de facto* independence and anxieties voiced by the non-Azeri population. Asserting that Azerbaijan bears responsibility for developing the culture of non-Azeris, Karaev favored several state languages. But the best medicine for inter-ethnic tensions, he concluded, was speedy economic development, which would let people earn money.

On Friday, June 5, at a television press conference of all the candidates, Karaev announced his withdrawal from the race and called on his supporters to vote for Elchibey. He had previously hinted to Commission staff that he would do so, saying that he feared the possible disruption of the election. Some observers in Baku said Karaev and other APF-backers were worried about the growing influence and popularity of Suleimenov, and were closing ranks to ensure Elchibey's victory.

Etibar Mamedov: A historian by training and a founding member of the APF, Mamedov was arrested in Moscow on January 25, 1990, after the Soviet invasion of Baku, and held for 9 months. In November 1990, he returned to Baku and was elected to the Supreme Soviet. Mamedov left the APF in February 1992, and formed his own political party, the Party of National Independence.

Mamedov told Commission staff he opposed holding the presidential election, which he said was taking place according to old Soviet laws. Nevertheless, he said he decided to run, but originally favored a referendum after 12 or 18 months to determine the popular preference for a presidential or parliamentary system.

On May 16, after the defeat of Mutalibov's coup, the APF turned down Mamedov's proposal to postpone the election and form a coalition government. In early June, he withdrew from the race. Mamedov called for cancelling the election, arguing that with large areas of Azerbaijan under Armenian occupation and the country swamped by a million refugees [his figure], it would be impossible to keep track of them, which created enormous possibilities for vote fraud. He said the behavior of the victorious APF, which

he accused of forging an alliance with the old Communist Party structure, offered no grounds to expect an honest election. Mamedov echoed Suleimenov's claims that the APF had placed its own people in charge of election commissions, and had also taken control of the media.

Mamedov's position on Nagorno-Karabakh was the most hardline of all the candidates: unlike the others, he said he opposed all negotiations at present, as Azerbaijan had been militarily defeated. Negotiations should not begin until military parity was achieved. Asked to explain Azerbaijani defeats in Nagorno-Karabakh, Mamedov said the Armenians had better organization and preparation, and higher morale. [His acknowledgement of the military superiority of Armenian fighters contrasted sharply with explanations put forward by most Azeris, who claim that the Russians are helping and even directing the Armenian military campaign]

Mamedov said that Armenia must recognize Azerbaijan's borders, while Azerbaijan must guarantee the safety of Armenians in Nagorno-Karabakh. He rejected any sort of autonomy for them, pointing to Azerbaijan's declaration of independence, which specifically describes Azerbaijan as a unitary, not a federal state. Local self-government, however, could be extended to Nagorno-Karabakh. Mamedov said the international community must force Armenia to leave the occupied territories. If not, Azerbaijan had two options: continue the conflict while preparing a new national army, or accept the status quo while building an army and retaking Nagorno-Karabakh by force. In any case, a national army was urgently needed.

Yakub Mamedov: The former dean of Baku's Medical Institute, and the former acting president and chairman of the parliament, campaigned as a "realist," though his platform offered few concrete proposals. He told a Russian-language newspaper that getting Azerbaijan out of its economic crisis and solving the food problem were the main points of his program. Though he professed to adhere to the principles of a free-market economy and all forms of ownership, he called for centralized planning and distribution in industry and agriculture, at least for a transition period, while working out new methods of economic management. Mamedov also appealed to order, strongly urging the creation of a "normal legal state," as opposed to the "real anarchy" in today's Azerbaijan.

Mamedov stressed political means and negotiations in dealing with Nagorno-Karabakh. He did not reject the possibility of restoring Nagorno-Karabakh's autonomous status, but he argued for an autonomous republic for Azeris in Armenia as the only reliable guarantee of peace and security for both peoples. On foreign affairs, Mamedov called first of all for the normalization of relations with Russia, and cooperation with Turkey and Iran, as well as the establishment of close contacts with all former Soviet republics and other states.

Ilias Ismailov: Ismailov is Azerbaijan's current Minister of Justice (as of April 1992) and chairman of Azerbaijan's Movement for Democratic Reforms. He called for a law-based state, strict division of powers, raising the legal consciousness of the people and coordinating domestic law with international obligations, especially with respect to human rights.

On the Nagorno-Karabakh conflict, Ismailov argued that the Armenians in Nagorno-Karabakh have no right to self-determination in territory outside Armenia. He favored appealing to the international community about the falseness of Armenian claims and pursuing negotiations, but if these efforts fail, then Azerbaijan must prepare for war. Nagorno-Karabakh's Armenians could be citizens of Azerbaijan and they could have cultural autonomy.

Ismailov advocated revamping the economy, developing other forms of property, specifically private property, and attracting foreign investment. But he urged deferring privatization until the Nagorno-Karabakh situation is resolved. At most, privatization could proceed in the service sector. Ismailov also insisted that individuals seeking to buy enterprises should be able to prove that they had accumulated their riches honestly.

Rafik Abdullaev: Chairman of Azerbaijan's National-Democratic Group, Abdullaev was the most obscure of the candidates. Listed as "temporarily unemployed" on the ballot, his campaign biography said he could not find work after the January 1990 events, implying that he had been hounded by the authorities. Abdullaev told *Vyshka* (June 6) that the main points of his platform were: mobilizing Azerbaijan's intellectual potential to create a strong presidency that could defend the country's interests; developing the economy on scientific principles; ending the "notorious" Karabakh problem; "nationalizing" state property, by which he may have meant giving it to the people; and holding new parliamentary elections.

THE CAMPAIGN

According to the election law, all expenses associated with the election were to come out of the state budget; labor collectives and organizations that wanted to nominate candidates had to pay the expenses involved in doing so, but no resources other than state funds could be used to finance the campaign.

All the candidates, in alphabetical order, received an hour on television, during which they made an opening statement and then spoke with an interviewer. Journalists in the studio as well as voters could also call in questions. Two evenings before the vote, all the candidates were invited to appear on television for a press conference. Tamerlane Karaev led off by announcing that he was withdrawing his candidacy, praised Elchibey as the only possible choice, and left. Etibar Mamedov, having previously used his time on the air to leave the race, did not attend. More surprisingly, Abulfaz Elchibey also failed to appear;

it was announced at the beginning that he was "engaged in discussion with the KGB." Some local analysts felt that Suleimenov used the occasion to boost the ratings his earlier performance had won him.

The next day, Elchibey held a press conference, which was carried that evening on television, an indication of the Popular Front's influence on the mass media. Observers also counted far more Elchibey posters in Baku than of any other candidate.

Commission staff did not see any campaign posters in Russian, and most representatives of the Russian-speaking population said they had not seen any. Asked how they had familiarized themselves with the candidates' platforms, they explained that the Russian-language press had run interviews with them. Candidates spoke in Azeri during their television appearances, though they sometimes answered questions posed in Russian in that language.

More disturbing was an article in the Russian-language newspaper *Vyshka* (June 2), which referred to a letter sent in by a Russian-speaking resident of Baku. She complained that when agitators came around to gather signatures for the candidates, they passed over the Russians in her building. "When I asked why, they said: 'Do you really have to know? We're electing an Azeri, not a Russian.'"

OBSERVERS

Before the mid-May coup and counter-coup that brought the APF to power, the Popular Front feared the Communist Party might try to rig the election, and Elchibey sent a written appeal to President Bush and the U.S. Congress for election monitors. Apart from Commission staff and a delegation of the International Republican Institute, election observers arrived from the United Kingdom, Czechoslovakia, Greece, Estonia, Russia, Ukraine, Germany and Turkey.

THE VOTING

On election day, Commission staff and a representative of the U.S. Embassy visited polling places in Baku and then traveled to Mardakyan (about a 50-minute drive). The latter site was of interest because refugees from Shusha had been housed in a sanatorium there. They had already cast their ballots before the observers arrived: the staff of the sanatorium, assisted by local commission members from the nearby polling station in Mardakyan, gathered them together -- they still had their passports -- distributed ballots, and had them vote.

Elsewhere, most voters had received invitations to vote from their local polling place, though they did not need one to vote. Voters presented their passport -- the most common form of identification -- signed the voter's list, received a ballot, went into a

curtained booth, voted and deposited the ballot into a box. In Mardakyan, a small settlement in which all the inhabitants knew each other, observers were told that voters generally did not have to present their passports.

Most polling places visited by Commission staff had representatives of at least one organization other than the Popular Front -- usually, the National Independence Party, headed by Etibar Mamedov. There were also observers present, almost always including a representative of the APF, frequently a supporter of the National Independence Party, and sometimes from a "labor collective." Some polling places had an observer stationed near the ballot box, others did not.

The ballots, in Azeri and Russian, listed in alphabetical order all the candidates, their year of birth and place of work -- for Elchibey, therefore, the Institute of Manuscripts of the Academy of Sciences, not the APF. As Etibar Mamedov and Tamerlane Karaev had both withdrawn before June 7, their names were crossed off the ballot. Voters were to cross out the names of the candidates they did not want, leaving untouched the name of their preferred candidate. Ballots with more than one name untouched or with no names crossed out were invalid. Three members of the local election commission signed the back of each ballot to ensure its authenticity and to prevent stolen ballots from being counted.

The picture of voting seen by observers was mixed: some polling stations were a model of propriety, such as that monitored by American monitors, in which the members of the local election commission were members of Azerbaijan's Academy of Sciences, and obviously understood and enforced all the rules. Others, however, displayed a high level of confusion, and more important, allowed voters to receive multiple ballots. Commission staff asked one voter who was set to deposit about ten ballots into the box why he had more than one. He replied that he was voting for his wounded relatives. Told that the polling station would send around an urn to collect their votes, he made a gesture of disgust. The chairman of the polling station noticed the conversation, came over, and refused to allow the individual to cast the ballots, but it was clear that the practice was widespread in that polling station. The chairman expressed puzzlement and exasperation at his subordinates, who continued to distribute more than one ballot despite his repeated enjoinders not to do so.

One American observer told Commission staff that he had seen Azeri men coming to vote with the passports of all their family members, explaining that they had a form of "power of attorney" to vote for them all. Such individuals were apparently the sort who would not permit the women in their family to enter a polling place. Some local election commission members refused to accommodate the *paterfamilias*; others, generally in more traditional neighborhoods, might give him ballots to equal the number of passports.

It is difficult to judge how widespread was the practice of multiple voting. But Commission staff -- who have seen the same in most former Soviet republics during elections and referendums -- and most observers felt that multiple voting reflected traditional Soviet voting habits rather than a deliberate attempt to rig the outcome.

Commission staff and a representative of the U.S. Embassy also observed the vote count in a polling station in the center of Baku. Once the ballots were dumped onto the table, the local commission members first counted the ballots that had not been used; it turned out that the CEC had delivered only 2100 ballots to this polling station, even though 2137 voters were listed on the rolls. The members then tallied the total number of ballots cast (subtracting those who were not in their district that day, and adding the votes collected from patients in the nearby hospital, from refugees, and voters not on the rolls who registered on election day).

The result, in a ward described by local commission members as inhabited by the "partocracy," was 613 for Elchibey, 469 for Suleimenov, and fewer than 100 for the other candidates. Commission staff saw several write-in ballots for Haidar Aliev, which, of course, were invalid.

THE RESULTS

The election law gave the CEC ten days to release the results, and the CEC made good use of that provision. Only on June 13 did the CEC release final results: 76.3 percent of the electorate (over 3.3 million people) cast ballots, with 8 electoral districts in areas of conflict not participating. Abulfaz Elchibey won 59.5 percent of the vote; his closest rival was Nizami Suleimenov, with 33 percent. Tallies for the other candidates were: Ismailov, 2.7 percent; Abdullaev, 2.5 percent; Yakub Mamedov, 1.7 percent.

POLITICAL IMPLICATIONS OF AZERBAIJAN'S PRESIDENTIAL ELECTION

The election of Abulfaz Elchibey as president, which was widely expected after the failure of Mutalibov's putsch, signals the end of communist rule in Azerbaijan. The election's only real surprise was the showing of political newcomer Nizami Suleimenov, whose 35 percent of the vote indicates the susceptibility of the Azerbaijani electorate to promises of quick and easy fixes to complex problems. Suleimenov, who had warned Commission staff that the APF would steal the election from him and that popular protests would ensue, has charged fraud and has organized a campaign of civil disobedience.

A Popular Front government faces many other difficult problems as well, particularly the conflict in Nagorno-Karabakh. Azerbaijan's handling of this crisis will in many ways influence its ability to deal with other pressing issues.

Nagorno-Karabakh: The APF had long accused Mutalibov both of ineptitude in waging hostilities, and of deliberately sabotaging the formation of an Azerbaijani army, for fear that it would be loyal to the APF. Less than a week after the election, even though Elchibey had previously emphasized negotiations as the basis of his approach to the conflict, Azerbaijani forces launched a military offensive in Nagorno-Karabakh to regain territory captured by Armenian fighters. Azerbaijan's offensive indicates a determination by the new leadership to reverse setbacks in Nagorno-Karabakh, at least in order to improve Azerbaijan's position at the negotiating table, and possibly to prepare for resolving the conflict by military means. The campaign has probably boosted Elchibey's stock at home and emphasized the differences between an APF government and the communists. The formation of an Azerbaijani national army will certainly proceed apace.

Though Azerbaijani military gains after several months of setbacks may in the short term undermine the ongoing talks under CSCE auspices, they might foster a settlement if a stalemate develops and both sides decide they can no longer gain anything from fighting. Given possible involvement by surrounding states in the conflict, the international community has a strong interest in preventing a military defeat of either side and in promoting a negotiated solution. These negotiations, however, will be extremely difficult.

CSCE-sponsored talks between Armenia and Azerbaijan are continuing in Rome, even though the peace conference in Minsk, originally scheduled to begin on June 23, now seems on hold. These talks have been complicated thus far by the absence of Nagorno-Karabakh's Armenians, who demanded unsuccessfully the status of representatives of a sovereign state. Without their participation in the negotiations, ceasefires arranged to date between Armenia and Azerbaijan have been ineffective, and any other understandings and compromises that might emerge from the bargaining would be of dubious value. The CSCE arbitrators will have to find a way of bringing them into the talks and gaining their agreement to whatever solutions are proposed.

The other problem underlying the negotiations is that Azerbaijan -- focusing on CSCE principles of territorial integrity and inviolability of borders -- seeks international condemnation of Armenia and to reverse at the bargaining table the military gains of Nagorno-Karabakh's Armenians. From the Armenian perspective -- which focuses on the equally valid but less well defined CSCE principle of self-determination -- the purpose of negotiating is to win international acknowledgement of Armenian gains, and to set the stage for recognition of Nagorno-Karabakh's independence. It will be difficult to reconcile these contradictory negotiating strategies, not to speak of the negotiating positions. An Azerbaijani government spokesman said on Radio Rossii on June 17 that Baku is prepared to ensure the rights of minorities and to hold talks with the leaders of the Armenian community in Nagorno-Karabakh, but "we will not talk with those who want to separate from Azerbaijan." Nagorno-Karabakh's Armenians, on the other hand, have emphasized their determination, especially after four years of bloodshed, not to be part of Azerbaijan any more. In such circumstances, the CSCE negotiators have their work cut out for them.

Domestic Political Order: Elchibey, though elected by 60 percent of Azerbaijan's voters, must produce results on the political and economic fronts to maintain his standing with the electorate. At the same time, he faces strong opposition from political rivals. It remains to be seen whether Nizami Suleimenov, who disputes Elchibey's legitimacy, will adopt a stance of implacable opposition or use his second-place showing to try to gain some post in an Elchibey government, but the latter is highly unlikely. Suleimenov is closely allied with Haidar Aliev; he told *Bakinskii Rabochii* (May 6) that if Aliev entered the race, he would withdraw and urge his backers to vote for Aliev. As for Aliev's communist past, Suleimenov said "we are all children of our time." Elchibey also faces a determined rival in Etibar Mamedov. Some analysts have suggested that Mamedov, like Suleimenov, is linked to Aliev, and that they might combine forces against Elchibey.

Quite apart from this competition among Azerbaijan's leading politicians, the Communist Party remains ensconced at all levels of the state and government structure and in economic organizations. Elchibey's priorities therefore are addressing popular concerns over Nagorno-Karabakh and the economy, while fending off criticism from challengers and weakening the communist hold on Azerbaijan's institutions.

Equally important are a new constitution reflecting Azerbaijan's independence and constructing a democratic order, especially the development of a genuine multi-party system. The June 7 election, while multi-candidate, was not a multi-party election, as no law had been passed on political parties. The National Council, shortly before the election, finally passed such legislation, which promises to create the basis for a more modern political structure in a society where clan and regional ties still play such an important role. At the same time, the development of parties could mean the decline of the Popular Front, which is an umbrella organization uniting people of very different political views.

A multi-party system would also promote -- and necessitate -- new parliamentary elections, which, according to Azerbaijani government spokesmen, will be held "soon." Parliamentary elections would replace the old Supreme Soviet and help remove the Communist Party *nomenklatura* from its positions of influence.

Economic Reform: With economic output declining, falling living standards and rising prices, the economy is a critical issue for the new government. Virtually no economic reform has taken place in Azerbaijan, a result of the survival in power of the Communist Party until spring 1992 and the situation in Nagorno-Karabakh, which distracted the leadership (or offered a convenient pretext for inaction). The "administrative-command economy" that characterized the entire USSR is still in place in Azerbaijan, but it has practically stopped functioning, and nothing has replaced it, while economic relations with other former Soviet republics are also deteriorating. Virtually no laws have been passed to prepare the transition to a market economy and encourage entrepreneurship. There has taken place no privatization of the service sector, not to speak of larger state enterprises. Laws have been passed on joint ventures and protecting foreign investment,

and representatives of Western oil companies are in Baku, trying to negotiate deals to develop the country's oil reserves.

A package of laws on economic reform, including privatization, bank reform, and many others awaits passage. Elchibey's government will have to act quickly on them if he wants the Western aid and investment everyone agrees Azerbaijan needs to develop its economy. The prospect of long, drawn-out hostilities in Nagorno-Karabakh dampens hopes of economic development, as a society at war is unlikely to launch wrenching reforms or to attract foreign investors.

Inter-Ethnic Relations: Another serious problem confronting Azerbaijan's new leaders is relations with the country's non-Azeri population. According to the 1989 Soviet census, 400,000 Russians live in Azerbaijan (5.6 percent of the population, and 17 percent of Baku's residents). Reportedly, about 40,000 left after January 1990, although some 28,000 returned.

Nevertheless, many Russians are clearly concerned and are leaving Azerbaijan, though it is difficult to know how many. On May 16, the Popular Front published an appeal to the Russian-language population, which acknowledged that some Russian families had been threatened by Azerbaijanis. The APF called on Russians to stay calm and report any such incidents to the local militia or the Ministry of Internal Affairs, which were urged to pay special attention to threats against Russians. Local APF units were told to support Russians in their neighborhoods. At the same time, the APF called on the Russians to participate actively in Azerbaijan's democratic movement: "At meetings you'll get to know our movement much better; that will allow you to calm down a little and not to fall into a mood of panic."

Spokespersons of the Russian and Jewish communities complained to Commission staff that desperate Azeri refugees from Nagorno-Karabakh have seized apartments in Baku, especially those of non-Azeris (though they added that apartments of Azeris had also been seized). But they stressed that they are primarily concerned about language issues. They hope to be able to use Russian for some period of time yet, and they pointed with relief and gratitude to Elchibey's assurances about a transition period to learn Azeri. Still, judging by the absence of Russian-language campaign posters and, apparently, the ongoing disappearance of Russian-language street signs in Baku, the use of Russian in Azerbaijan will likely become ever more constricted. Intensified government programs to teach Azeri to those willing to learn it would help assuage concerns of the Russian-speakers and make them feel that they are welcome.

Some 20,000 Armenians remain in Azerbaijan, many of them married to Azeris, and their future is in doubt. Many have complained of threats, intimidation, dismissals and abductions; some have applied to the U.S. Embassy in Baku for refugee status, while others have left for Russia. At a pre-election press conference, Elchibey was asked when

Armenians would be expelled from Baku. He replied that anyone who obeys the country's laws is a citizen and has every right to live in Azerbaijan. Nevertheless, the new government will have to take rigorous steps if it wants to reassure anxious Armenians who remain in Azerbaijan about their safety and their rights.

Azerbaijan may face another ethnic problem with the Kurds, who number 12,000 (1989 Soviet census, although Kurdish groups claim the actual figure is far higher). Some Kurdish groups have declared the restoration of the Kurdish autonomous entity in Azerbaijan, which Stalin abolished in 1931, with its capital in Lachin. In addition, according to Radio Liberty (*Daily Report*, June 16), Lezghians -- about 400,000 of them live on the Azerbaijan-Daghestan border -- have reportedly appealed to the Russian parliament to unite the Lezghian-populated territory within the Russian Federation. Should a "Kurdish front" open or other nationalities demand border changes, Azerbaijani fears of another Nagorno-Karabakh or dismemberment would probably intensify, which could provoke a harsh reaction against Kurds, Armenians and possibly other non-Azeris.

Foreign Policy: Elchibey is a staunch admirer of the Turkish model of development: a secular state professing Western democratic ideals, with a free market economy and citizens who are mostly Muslim. After being sworn in as president, Elchibey stressed that Azerbaijan will develop close ties with Turkey, and will try to do the same with the United States, Britain and the West.

Elchibey's strong pro-Turkish stance is in pronounced contrast to his views on Iran, which he has described as "totalitarian." He has publicly accused Iran of supplying Armenia with weapons and backing Armenia in the Nagorno-Karabakh conflict. His relations with Iran are further complicated by his long-term goal of unifying the Azeris of Azerbaijan and the millions of Azeris in northern Iran. Elchibey says the latter suffer discrimination and has called for some cultural autonomy for them. His plans for Azeris in Iran cannot fail to concern Teheran. If Azerbaijan attempts to rouse Azeris in Iran, relations with Iran would deteriorate. Yet even if Elchibey says or does nothing, the presence across the border of an independent Azerbaijan may prove attractive to the Azeris of northern Iran, which would be destabilizing in Teheran. Relations between Iran and independent Azerbaijan seem to be off to a shaky start. It remains to be seen how this will affect Iranian mediation efforts in the Nagorno-Karabakh conflict, which have up to now been rather active.

Elchibey affirmed after his inauguration that Azerbaijan will not join any political organizations, i.e., will not be a member of the Commonwealth of Independent States (CIS). Azerbaijan has participated in CIS activities, but only because Ayaz Mutalibov signed the agreement constituting the Commonwealth; Azerbaijan's Supreme Soviet never ratified the document and the APF always opposed joining. If Azerbaijan does withdraw or announce that it never really joined, it would be the first state to do so.

Elchibey will presumably try to carry out his program of developing good political and economic relations with the former Soviet republics, especially Russia, on a bilateral basis. But an Azerbaijani withdrawal from the CIS and the security agreement between Russia and Armenia as CIS member states will complicate those efforts. So, too, will the widespread suspicion in Azerbaijan that Moscow -- whether the capital of the Soviet Union or the Russian Federation -- has too many strategic interests in the Caucasus to let Azerbaijan ever become truly independent.

Elchibey is the first non-communist to become president in a Muslim former Soviet republic. One possible indirect consequence of his election on the CIS may be increased popular pressure on the nominally "ex-communist" governments of Central Asia, where only President Akaev of Kyrgyzstan was not formerly a Communist Party leader. Tajikistan's President Nabiev has been compelled to share power with an opposition bloc of secular democratic and Islamic groups, and Kazakhstan's President Nazarbaev has been under pressure from demonstrations that began (after Elchibey's victory), demanding the ouster of communists from the government. One illustrative sidelight in this connection is the flight in early June of an activist of Uzbekistan's opposition movement *Birlik* to Azerbaijan, where he sought political asylum. Elchibey has refused the demands of Uzbekistan's authorities to release him to their custody.

Elchibey has also advocated the establishment of a Caucasus union, which presumably would include Armenia. He laid out three prerequisites, however: inviolability of borders; non-interference in domestic affairs; and respect for independence. The course of the Nagorno-Karabakh conflict will obviously determine whether such a union has any prospects.

Implications for the United States: The accession to power of a non-communist, pro-Western and free market-oriented government in Baku obviously improves prospects of developing U.S.-Azerbaijani relations. At the same time, Azerbaijanis -- though well-disposed to the United States and very pleased to have diplomatic relations with Washington -- generally believe, rightly or wrongly, that America is pro-Armenian. This perception has been heightened by the passage of amendments in the House Foreign Affairs Committee and the Senate Foreign Relations Committee to the bill on U.S. aid to the former USSR, which would impose economic sanctions on Azerbaijan unless it moves to lift its blockade of Armenia and Nagorno-Karabakh. Clearly, therefore, the U.S. position on the Nagorno-Karabakh conflict will be the critical factor defining U.S.-Azerbaijani relations.